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T H E
P R O C E E D I N G S

O F A
G E N E R A L C O U R T - M A R T I A L ,

H E L D A T
Maidstone, in the County of *K E N T*,
On *Wednesday* the 17th, and continued by several
Adjournments to *Friday* the 27th of *September* 1760,

U P O N T H E T R I A L O F
Lieutenant *WILLIAM HILL*,
Of the First Battalion of the *Surry* Militia :

A N D O F A
G E N E R A L C O U R T - M A R T I A L ,

H e l d a t *Maidstone* aforesaid,
On *Saturday* the 28th, and continued by Adjourn-
ment to *Monday* the 30th of *September*, 1760,

U P O N T H E T R I A L O F
Ensign *WILLIAM HILL*,
Of the said Battalion of *Surry* Militia.

P u b l i s h e d b y A u t h o r i t y .

L O N D O N :

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and BROOKS in *Peternoster-row*. 1760.

PROCEEDINGS

OF THE
MILITARY COURT-MARTIAL

Held at the Court of the City of London

in the year of our Lord one thousand eight hundred and

eighty and five

OF THE



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W A R R A N T

FOR HOLDING A

GENERAL COURT-MARTIAL,

For the TRIAL of

Lieutenant *WILLIAM HILL.*

GEORGE R.

WHEREAS it hath been most humbly represented unto Us, that Lieutenant *William Hill*, of the first Battalion of Our *Surrey Militia*, commanded by Our Trusty and Well-beloved Sir *Nicholas Carew*, *Baronet*, hath behaved himself disrespectfully to his superior Officers, and hath aspersed the Character of Major *Parker*, of the said Militia, by insinuating that he was engaged in an improper Correspondence with the *French Prisoners*, and hath otherwise behaved in a manner unbecoming an Officer and a Gentleman, by keeping Company and associating with Serjeants and private Men, and hath also endeavoured to excite Discontent among the Militia men, by insinuating to them that they had a Title to a large Sum of Money which was withheld from them by their Officers; which Representation we have thought fit should be enquired into by a General Court-Martial, OUR WILL AND PLEASURE THEREFORE IS, that you do appoint a General Court-Martial to be forthwith held upon this Occasion, which is to consist of a Field Officer whom you shall name to be President thereof, and of a sufficient Number of Commission Officers, belonging to any

of our Corps of Militia under your Command, who may be conveniently summoned to attend the same, agreeable to the several Acts of Parliament for regulating the Militia Forces, and the Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Articles of War hereunto annexed. And We do hereby authorize and empower the said General Court-Martial to hear and examine all such Matters and Informations as shall be brought before them, touching the Representation against the said Lieutenant *William Hill*, and proceed in the Trial, and in giving of Sentence according to the Rules of Military Discipline; and for so doing this shall be as well to you as to the said General Court-Martial, and all others concerned, a sufficient Warrant. Given at our Court at *Kensington*, this 26th Day of *July*, 1760, in the Thirty-fourth Year of our Reign.

BY HIS MAJESTY's COMMAND,

W. PITT.

To Our Trusty and Well-beloved *John Campbell*, Esq; Lieutenant General of our Forces.

AT

AT a GENERAL COURT MARTIAL,
held at *Maidstone*, in the County of *Kent*, *Wednesday*
the 17th Day of *September*, 1760, by Virtue of his
Majesty's Warrant, bearing Date the 26th Day of *July*,
1760, and by the Order of Lieutenant General CAMPBELL.

Present,

Major CHARLES WHITWORTH, of the *West Kent* Militia,
President.

Captain CHARLES STILES, *West Kent*,

Captain CHARLES EMILY, 1st Battalion, *Surry*,

Captain THOMAS LEWIS, 2d Battalion, *Surry*,

Lieutenant THOMAS MORLOND, *West Kent*,

Lieutenant ROGER TWISDEN, *West Kent*,

Lieutenant ROBERT NASH, 1st Battalion, *Surry*,

Ensign JOHN GROOMBRIDGE, *West Kent*,

Captain HENRY SPENCER, 2d Battalion, *Surry*,

Captain HENRY CHAMPNESS, *West Kent*,

Captain CHARLES TOWNSEND, 2d Battalion, *Surry*,

Lieutenant RICHARD STREET, 2d Battalion, *Surry*,

Lieutenant WILLIAM DALLION, *West Kent*,

Lieutenant JOHN DUNMOW MERCER, *West Kent*,

Lieutenant FRANCIS GROSE, Adjutant to the 2d Battalion
of the *Surry* Militia, Deputy Judge Advocate.

The Court and Judge Advocate being duly sworn, Lieute-
nant *William Hill*, of the first Battalion of the *Surry* Militia,
Commanded by Sir *Nicholas Carew*, Baronet, came Prisoner
before the Court, when the following Charge was exhibited
against him ;

That he, the said Lieutenant *Hill*, had behaved himself
disrespectfully to his superior Officers, and had aspersed the
Character of Major *Parker*, of the said Militia, by insinuating
that he was engaged in an improper Correspondence with the
French Prisoners, and had otherwise behaved in a Manner
unbecoming an Officer, and a Gentleman, by keeping Com-
pany, and associating with Serjeants and Private Men, and
had also endeavoured to excite Discontent among the Militia

Men, by insinuating to them that they had a Title to a large Sum of Money, which was withheld from them by their Officers.

The following Witnesses were examined in Support of the Charge.

SERGEANT FARMER, of Captain *Emily's* Company, in the first Battalion of the *Surry* Militia, being sworn, was examined.

Q. What do you know concerning Lieutenant *Hill's* Order to the Guard, at *Sissinghurst* Castle, the 30th of *May*?

A. Lieutenant *Hill*, at the mounting of the Guard, gave Orders, that if any Centinal should find any Officer, or Soldier Talking, or holding Correspondence with the *French* Prisoners, he should take them Prisoners directly, even if it was the Colonel, Lieutenant Colonel, Major or Adjutant, or he himself; and for every Officer so taken, he would give a Shilling, and for every Private Man Six-pence.

Cross Examination.

Q. Pray what Guard did you belong to that Day?

A. The Old Guard.

Q. Was you on the Serjeant's Guard?

A. No, on the Officer's Guard.

Q. What were the Words I spoke before the Centinals were told off?

A. Nothing but what I have before mention'd.

Q. Whether I did not caution the Men, before I march'd them off to the Guard-Room, after the Centinals were posted, to mind the Orders read to them by the Adjutant, Mr. *Dunbar*, on *Wilsey Green*?

A. You did.

Q. Whither I did not introduce this Caution to the Men, before I gave the Orders for confining the Officers and Private Men?

A. Yes.

CORPORAL WHYCOTT, of Captain *Hodges's* Company, being sworn, was examined.

Q. Was you present on the 30th of *May*, at the Relief of the Guard at *Sissinghurst*?

A. I was.

Q. What Orders did Lieutenant *Hill* give?

A. He

A. He said, my Lads be careful in doing your Duty, and you catch either Officer or Soldier, having any Correspondence with the *French* Prisoners, either Colonel, Lieutenant Colonel, Major or Adjutant, or even myself, take them Prisoners, and I will give a Shilling for each Officer, and Sixpence for each Private Man.

Cross Examination.

Q. Was you on *Wilsey Green*, the 30th of *May*, when the Battalion was formed into a Circle?

A. Yes.

Q. What were the Orders, read over that Day by the Adjutant?

A. That we should have no Correspondence with the *French* Prisoners, on Pain of being tried by a Court Martial.

Q. Whether the Adjutant did not extend it to Officers as well as private Men?

A. Yes.

Q. from Captain Stiles. Was that a Day for reading the Articles of War, or was only the Adjutant's Observation?

A. I believe it to be Part of the Articles.

Q. from the Prisoner. When I marched to the Castle, and gave Orders to the Men, whether I did not refer to the Orders I received from the Adjutant that Day?

A. Yes.

Q. from Captain Lewis. Whether the Evidence is sure, the Adjutant made use of the Word *French* Prisoners?

A. Yes, he did.

Q. from Lieutenant Dallison. Whether it was the orderly Book, or the Articles of War?

A. I believe it was not the orderly Book, but the Articles of War.

Q. from Captain Lewis. Were there any other Articles besides this, which he apprehends to be an Article of War, read at that Time by the Adjutant?

A. I believe there were.

Q. from the Prisoner. Did I not, after the Adjutant had read it once over, desire him to repeat it, that the Men might know?

A. Yes you did, and that made me remember it so particularly.

Q. from the President. Were not the Articles of War read at that Time?

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A. They

A. They were read, and I believe them to be Part of the Articles.

LIEUTENANT COLONEL WILLIAM BEAUMONT, of the first Battalion of the *Surry Militia*, being sworn, was examined.

Q. Did you ever hear Lieutenant *Hill* say, that Sir *Nicholas Carew* had promised him the *Southwark Company*?

A. Yes, very often.

Q. Did you ever hear him express any Resentments to *Nicholas*, at not having that Company?

A. Yes.

Q. Did you ever hear him express any Resentment towards Major *Parker*, or suppose he had hindered him of the Company?

A. No, I don't recollect I ever did.

Cross Examination.

Q. from the Prisoner. In what manner did I express my Resentment towards Sir *Nicholas*, when and where, and what was by at that Time?

A. At *Darking*, the Time I do not recollect, but it was some Time last Winter; as to the manner, he complained he had been hardly treated; once in the Presence of Sir *Nicholas*, another Time at *Cranbrook*.

Q. When was that in *Cranbrook*?

A. In *May*.

MATTHEW CRESDE, of Sir *Nicholas Carew's Company*, in the first Battalion of the *Surry Militia*, being sworn, was examined.

Q. What do you know concerning the reading of the Orders, or Articles of War on *Wilsey Green*, the 30th of *May*?

A. There were Orders read by Mr. *Dunbar*, but I remember nothing of the Purport of them; only that Mr. *Hill* came up and said, mind what Mr. *Dunbar* says, that you are not to bear any Conversation, or Correspondence with the *French Prisoners*; which of the two Words, whether Correspondence or Conversation, I do not rightly remember.

Q. Did Mr. *Hill* take any Notice of the Adjutant's mentioning the Men, and not the Officers?

A. He said Mr. *Dunbar* is a Black, for reading all about the Men, and Nothing about the Officers; or every Thing against the Men, and Nothing against the Officers.

Q. What do you know farther about it?

A. Nothing.

Cross

Cross Examination.

Q. Did the Men grumble ?

A. I did for one ; the Men were grumbling on each Side
me, to think the Law was so hard against the Men, and
nothing against the Officers.

Q. What was the Occasion of my saying Mr. *Dunbar* was
Black ?

A. I can't tell.

Q. Did Mr. *Dunbar* leave out the Officers, in the Prohi-
bition of conversing with the *French* ?

A. I can't tell.

Q. What passed before I said Mr. *Dunbar* was a Black ?

A. I know no more than that all the Men grumbled that
were near me.

Q. from the Prisoner. Where was you ?

A. In the Front of the Serjeant's Guard.

JOHN LEACH, of Lieutenant Colonel *Beaumont's* Com-
pany, of the first Battalion of the *Surry* Militia, being
sworn, was examined.

Q. Did you hear Lieutenant *Hill* say any Thing, in Re-
gard to the Adjutant's leaving out the Officers, and only men-
tioning the Men, in the Orders he read on *Wilsey Green*, the
10th of May ?

A. He said Mr. *Dunbar* was a Black, that he was willing
enough to say any Thing of the Men, but not of the Officers.

Q. Did he say there would be a Prisoner before Night ?

A. He said I would have you take Care, and have no Con-
versation with the *French*, and that there would be a Prisoner
before Night.

Q. Did he say what Prisoner, or who ?

A. He did not.

Q. What did Lieutenant *Hill* say farther, about conversing
with the *French* Prisoners ?

A. That if any of the Guard should see a Colonel, Lieute-
nant Colonel, Major, Captain, Lieutenant, or Ensign, con-
versing or corresponding with the *French* Prisoners, they should
report them to him, and he would give a Shilling for an Offi-
cer, and Six-pence for a private Man.

Q. Did he order you to confine or report them ? Be very
particular.

A. To report them.

Cross Examination.

Q. Was you on *Wilsey Green*, the 30th of *May*, and did you see the Battalion form'd into a Circle ?

A. Yes, I was there.

Q. Did you hear Mr. *Dunbar* order me into the Circle ?

A. No, but you was there.

Q. Did you hear the Adjutant read the Orders ?

A. Yes.

Q. What did you hear the Adjutant read ?

A. I heard him read that no Man was to have any Correspondence with the *French* Prisoners ; if he did, he was to be tried by a Court Martial, and punished ; and afterwards, that no Officer was to have any Correspondence with the *French* Prisoners, if he did, he was to be tried as well as the Men. He then shut the Book, but at the Desire of Mr. *Hill*, read it again.

Q. from Lieutenant *Morland*. Do you know whether what the Adjutant read was the Articles of War, or Orders ?

A. He said it was the Articles of War.

Q. from Lieutenant *Morland*. Do you remember any other Article of War besides that, read that Day ?

A. No.

Q. from the President. Was there any more read out of that Book ?

A. A great deal, but I can't remember the Particulars.

Q. from the President, Did you ever hear the Articles of War read ?

A. Several Times before.

Q. from the President. Were they the same you heard before ?

A. Yes.

Q. from Captain *Stiles*. Has the Regiment any stated Time for reading the Articles of War ; or were they only occasionally read that Day ?

A. I do not know of any stated Time.

Q. Was there any Grumbling among the Men that Day, about the Orders ?

A. I don't know that there was.

Three o'Clock. The COURT adjourned
'till To-morrow Nine o'Clock.

Thursday,

Thursday, September 18, 1760.

The COURT met according to Adjournment.

PORT MAJOR NICHOLAS DUNBAR, Adjutant to the first Battalion of the *Surry* Militia, being sworn, was examined.

Q. WHAT Articles did you read on the 30th of May?

A. The Articles of War, particularly the 18th and 19th Articles, of the 14th Section; which are the Penalty of relieving, or harbouring an Enemy, or holding Correspondence with, or giving Intelligence to the Enemy.

Q. What follow'd the reading of these Articles?

A. Upon reading these two Articles of War Mr. Hill said to the Men, you and others must observe these Articles; he then desired me to read them over a second Time, which I did; and imagining on this Procedure of his, that he had heard of some criminal, or wrong Correspondence among the Men, and the *French* Prisoners, as they were said to have offered Centinals Money, for conniving at their Escape; I told the Men, they were by no Means to correspond with the *French* Prisoners: I thought no more of this Matter, till the Guards were relieving at *Sissinghurst* Castle, when the Corporals after telling off the Centinals, ordered them to wheel and form their Ranks, and march off to the Relief; upon which Lieutenant Hill called them to halt, and they fell back again into a Rank entire: Something at this Time taking up my Attention, about the Gate of the Castle, and Lieutenant Hill being toward the Left of the new Guard, I heard nothing what he said to the Men.

Q. When you read the Articles of War, did you caution the Officers, as well as the private Men, against corresponding with the *French* Prisoners?

A. I did not.

Q. Was this Caution given by Way of Inference, or as an Article of War?

A. Inference, not as an Article of War.

Q. from the President. Did you, when you gave this Caution, hold the Book as if you was reading?

A. To the best of my Memory, I held it down, look'd, and spoke to the Men.

Q. Whether

Q. Whether he remembers that at the Time of his giving this Caution to the Men, he said, if they did, they should be taken into Custody?

A. He said, if they did, they would be punished.

Q. Do you know of any Dispute that had subsisted between Major *Parker* and Mr. *Hill*, previous to that Time?

A. I know nothing of it myself.

Q. Do you know, of your own Knowledge, of any Altercation between Major *Parker* and Lieutenant *Hill*, after reading the Articles of War?

A. Between the two Guards, the 30th of *May*, Lieutenant *Hill* and Major *Parker* were walking, and I heard Lieutenant *Hill* say, I know my Duty as well as you, and have commanded as many, or more Men (which I cannot charge my Memory with) than you ever did, and added, that it was hard that one Man should run away with all the Honour and the rest not be looked on.

Q. What followed?

A. I called Major *Parker* aside, and told him, this was destroying all military Subordination and Discipline, to have such Disputes among Officers in the Face of the Guard, and therefore begged him to come off and leave Mr. *Hill*.

Q. In what manner did Lieutenant *Hill* speak this to Major *Parker*?

A. In a manner as I thought quite unbecoming an inferior Officer to a superior, and for that Reason I called off Major *Parker*.

Q. Did any Thing more pass at that Time?

A. Nothing.

Q. Did you hear Lieutenant *Hill* say, Major *Parker* was a Favourer of the *French* in his Heart, where, and at what Time?

A. Twice I heard Lieutenant *Hill* say, that he believed Major *Parker* a Favourer of the *French* in his Heart; once at the *Bull* in *Cranbrook* in *June*, when the second Battalion relieved us; the other at *Maidstone*, at his own Quarters.

Q. from Lieutenant *Dollison*. Whither this was ever said publicly before the Militia Men, or only in a private Room?

A. Not before the Militia Men, but in a private Room, at the *Bull* in *Cranbrook*, when some of the Officers of the second Battalion were present; and at *Maidstone*, in a private Room, at his own Quarters.

Q. What do you know of your own Knowledge, of Lieutenant

Lieutenant *Hill's* associating with Serjeants, Corporals, and private Men?

A. When some Companies of the Regiment lay at *Dark*, I saw the Serjeant Major frequently Talk to Lieutenant *Hill* with his Hat on, and particularly one Day during Exercise, the Officers not taking Post, I saw Lieutenant *Hill*, whilst I was exercising the Companies, walking in the Rear in a familiar Way with the Serjeant Major, whose Hat was on in an unbecoming manner for Mr. *Hill* to suffer, after the Exercise was over, and the Arms grounded, I called Mr. *Hill* and some of the Officers aside, and told them, it was becoming to allow the Serjeant Major such Freedoms; and other Times at the *Bull at Cranbrook*, when I went in to call on Mr. *Hill*, I saw him come out of the Kitchen, or Room, where the Soldiers were Drinking, the Men had their Hats on, were Talking loud, and not paying that Respect to Mr. *Hill*, that private Men ordinarily do to an Officer.

Q. from Lieutenant *Dollison*. Was Lieutenant *Hill* sitting with the Men, or only passing through the Kitchen?

A. As to that, I can't say positively, whether he was in company, or not, but when he came out, the Men did not rise to stand up, or take off their Hats, which this Deposition always observed, was the Practice from Soldiers to their Officers.

Q. What farther do you know relative to his keeping Company with the Serjeants, Corporals, and private Men?

A. At *Maidstone* I had an Occasion to go to his Lodgings, and found the Serjeant Major with him, and as soon as I went in, the Serjeant Major got up, took off his Hat, and went out, and I left him (the Serjeant Major) in the outer Shop.

Q. from Captain *Lewis*. When you went in, and found the Serjeant Major setting, was there any Papers on the Table, or any Appearance of his having been busy with Lieutenant *Hill*?

A. No Papers, or any sign of Business, that I observed.

Q. from Captain *Lewis*. Was there any Appearance of their having been Drinking together?

A. Not in the least, to my Knowledge, it being in the Forenoon.

Q. from Captain *Lewis*. Have you at any Time heard Lieutenant *Hill* use any Words which might lead you to the Knowledge, or meaning of these Words, which he spoke to Major *Parker* between the two Guards, and which were, That it

it was hard that one Man should run away with all the Honour, and the rest not be looked on?

A. Mr. Hill found Fault with Major Parker's lying the Guard at *Sissinghurst* Castle, and said, he had no Business there, the Officer of the Guard was to Command his own Guard, from that I imagine that Expression, its hard, proceeded.

Q. What do you know in Regard to Lieutenant Hill Associating with *Jefferson*, a private Man in the *Southwark* Company?

A Question being put, how far the Word Associating, mentioned in the Charge extended — The Court being cleared — It is the Resolution of the Court, that it extended only in eating, drinking, and keeping Company.

A. I never knew Lieutenant Hill eat, drink, or keep Company with *Jefferson*.

Q. Do you know of any riotous Behaviour occasioned by the familiarity of Lieutenant Hill with the private Men of the *Southwark* Company?

A. The *Southwark* Company during the Time they were quartered at *Cranbrook*, were observed to be very Drunken, Riotous, and Mutinous at the Bull at *Cranbrook*, where Lieutenant Hill was quartered; But I know nothing of Familiarity, more then before deposed, neither that it was occasioned by Lieutenant Hill.

Q. Do you know of Lieutenant Hill's throwing Money to the Men out of the Window?

A. Nothing, to my own Knowledge.

Q. from Captain Lewis. Whether the *Southwark* Company at the Time Mr. Dunbar represents them to have been Riotous or Mutinous, were so in Words, or only in outward Appearance.

A. In Words and in outward Appearance.

Q. from Captain Lewis. What Words did they make use of?

A. Lieutenant Hill for ever; and in passing with Captain Emily, they called out God bless Captain Emily; I did not hear what was said with Respect to myself.

Q. from Captain Lewis. Did they speak Ill of the Officers of that Regiment in general, or of any one Officer in particular?

A. Not in my hearing.

Q. from Captain Lewis. Had any Thing passed in the Regiment before that Time, tending to raise a Discontent in

in the Minds of the Men of the Regiments in general, or that Company in particular?

A. Papers were posted publickly up reflecting on the Officers, and accusing them of having a large Sum of Money in their Hands, belonging to the Men.

Q. from Captain Lewis. Was it ever known by whom those Papers were posted?

A. Not that I know of.

Cross Examination.

Q. from the Prisoner. Are you sure, that when you first read the 18th and 19th Articles of the 14th Section of the Articles of War, you did not use the Word *French* Prisoners?

A. I am very sure, on reading the 18th and 19th Articles of the 14th Section of the Articles of War, I did not make use of the Word *French* Prisoners, any farther then in my Caution given after reading the Articles of War, not to correspond with them.

Q. from the Prisoner. Whether what you heard me say about Major Parker being a Friend to the *French* in his Heart, was before or after the 30th of May, when I was put under Arrest?

A. After the 30th of May, when you was put under Arrest.

Q. Whether his seeing the Serjeant Major at my Lodgings, was before or since my being under Arrest?

A. Since you was under Arrest.

The Court being cleared at the Desire of a Member.

It is the Opinion of the Court, that any Thing said or done by Lieutenant Hill agreeable to the Warrant after he was put under Arrest, but before the last Report to Lord Barrington or General Campbell, may be examined into by this Court.

MAJOR PARKER being sworn and questioned as to the Time, when the last Report concerning Lieutenant Hill was given in.

A. He did not then know.

MAJOR DUNBAR was again examined.

Q. from the Judge Advocate. Do you know at what Time the

the last Report, relative to Lieutenant *Hill*, was sent to *L. Barrington* or General *Campbell*?

A. I know nothing of it.

Q. from the Prisoner. Whether what you heard me about Major *Parker*, being a Friend to the French in Heart, was it before or after the last Report?

A. I cannot tell, not knowing what Day the last Report was given in.

Q. from the Prisoner. On what Day was it?

A. On the Day that the second Battalion relieved the first Battalion at *Cranbrook*, to do Duty on the French Prisoners at *Sissinghurst*.

Q. from the Prisoner. What Month, and what Day was it?

A. I am pretty sure it was in the Month of *June*, but what Day I cannot tell.

Q. from the Prisoner. Upon what Occasion did I use these Words, what Conversation lead to it, and who were then present?

A. It was upon complaining to some of the Officers of the second Battalion, and others who were at the *Bull* at *Cranbrook*, that he thought he was hardly used being put in Arrest, Captain *Townsend*, Lieutenant *Hough*, Ensign *Wakeford*, and Quarter-Master *Young*, of the second Battalion, and Lieutenant *Waterhouse*, of the first Battalion, were present.

Q. from the Prisoner. Was this on the Day the second Battalion relieved the first?

A. It was.

Q. from the Prisoner. Do you remember what Day of the Week it was?

A. Saturday.

Q. from the Prisoner. Whether you ever heard, or saw me encourage the *Southwark* Company in Rioting, Drunkenness, or Mutiny, or any way leading to it?

A. I never did.

Q. from the Prisoner. Whether Mr. *Dunbar* remembers what Time, and what Month, I said the second time, that Major *Parker* was a Favourer of the French in his Heart?

A. I neither remember the Day, nor the Month.

Q. from Captain *Townsend*. Did you ever see me in Mr. *Hill*'s Company at the *Bull* at *Cranbrook*?

A. As that Day was the first I ever saw Captain *Townsend*, to the best of my Knowledge and Reflection, he was in the little Room backward, with some or all the Persons named.

Q. Was

Q. Was Mr. Hill there in the Room, at the same Time as Captain Townsend?

A. I do not positively swear that Captain Townsend was in the Room at the same Time with Mr. Hill, but that he was in that Room some time that Afternoon, when all, or some of the Company, before-mentioned, were Drinking.

Three o'Clock, the COURT adjourned till Nine To-morrow.

Friday, September 19, 1760.

The COURT met pursuant to Adjournment.

LIEUTENANT COLONEL BEAUMONT again examined.

Q. WHAT do you know in Regard to Lieutenant Hill's accusing Major Parker, of holding a Correspondence with the French Prisoners, when, and where?

A. At Siffinghurst Castle, the 30th of May, the Morning Mr. Hill was put under an Arrest, when Mr. Dunbar told him, that he, and his Son, must either give up their Commissions, or quit the Regiment, or he had Orders from Sir Nicholas Carew, to put him under an Arrest. Lieutenant Hill answered, he chose to be put under an Arrest, and he would immediately insist on a General Court Martial; we then told him, we thought him very much to blame in the Resolution he had taken, that he could have no kind of Reason for the Charge he had give the Guard in the Morning, or to suspect the Officers corresponding with the Prisoners, and that he had better think otherwise of it; he said, he thought he had Reason for what he did, that Major Parker was constantly receiving and sending Letters to the French Prisoners; he was then told, that those Letters Major Parker received from the Prisoners, were only Petitions from them in regard to their Allowance, and which Major Parker constantly carried to Mr. Cook, and could not be understood such a Correspondence, as was mentioned by the Articles of War; he then said, he did not know, what we called a Correspondence; that Major Parker would often come to the Centinels whilst on their Post, and tell them

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to be on their Watch, for that the Prisoners would escape such a Night, and they accordingly did escape.

Q. Has he at any Time behaved Disrespectfully to you?

A. Yes, I look upon it he has.

Q. In what manner?

A. One *Jefferson* a private Man, was to be tried for defrauding the Heirs of a Militia Man, who he attended at his Death at *Darking*, and for Misbehaviour to the Surgeon, the Court Martial was put off on account of the Absence of a necessary Witness; a few Days after it was put off, I received from Lieutenant *Waterhouse*, a Copy of an Answer to a Letter to one *Phillips*, an intended Witness for *Jefferson*, and Landlord where the Man died; Mr. *Waterhouse* informed me, he had received this from Mr. *Hill* to give me, in Consequence of which Letter, Mr. *Waterhouse* desired me, being Commanding Officer, that the Prisoner might be released; afterward, *Jefferson* was brought before a Court Martial, but don't know what passed; the Copy of the Answer, I delivered to Sir *Nicholas Carew*, to the best of my Memory.

Q. Did you ever see the Original of this Letter?

A. No.

Q. What was the Purport of the Letter you did receive?

A. What made in favour of *Jefferson* was, that *Phillips* heard the Deceased say, that he would leave *Jefferson* what Money he had then by him, in case of his Death.

The Letter produced.

Q. To the best of your Knowledge, do you believe this to be the Letter?

A. To the best of my Knowledge, I believe it is.

Q. Did you ever observe any Familiarity between Lieutenant *Hill* and *Jefferson*?

A. Yes.

Q. Please to relate it?

A. The Morning Lieutenant *Hill* was put in Arrest, that is, the 30th of *May*, was the Morning *Jefferson* was brought before a Court Martial for the first Time, Mr. *Hill* was in the Room when the Court Martial sat, when *Jefferson* was brought before them; as soon as *Jefferson* came into the Room, I observed *Jefferson* and him to look at each other, and smile, and whenever any Question was asked *Jefferson* by the Court Martial, he turned round and look'd at Mr. *Hill* and smiled, as at first, particularly once (he *Jefferson*) turn-
ed

quite round to Mr. Hill, so that his Back was toward Court.

Cross Examination.

Q. When was I put under Arrest, what Time that Day in the Court Martial held, and who were Members ?

A. He was put under Arrest about Ten, the Court Martial sat about an Hour after, the Members (he believes) were Lieutenants *Waterhouse* and *Mackason*, and Ensign *...*

Q. Pray what Time was *Jefferson* brought into the Court ?

A. Between Ten and Eleven, but I am not positive.

Q. Was you there ?

A. I was.

Q. Was I not ordered to my Room at *Cranbrook*, as soon as I was put under Arrest ?

A. I don't know what Orders he might have, both he and I were in the Room when *Jefferson* was there, Sir *Nicholas Carew* was then Commanding Officer.

Q. Was I not ordered upon *Jefferson's* appearing before the Court Martial, to go out of the Room ?

A. I don't know what he was ordered, he was in, and continued in the Room sometime after, and then went off himself, which we looked upon as breaking his Arrest.

Q. When it was insisted on my delivering up my own and the Commissions on Pain of being put under an Arrest, the Orders I gave to my Guard on the 30th. of May, I not insist, that I had pursued the Instructions given me to the Men, by Adjutant *Dunbar* ?

A. I do not remember.

Q. from Captain *Lewis*. What was your Reason for supposing that Behaviour relating to a Court Martial, which you have given an Account of, Disrespectful from Mr. Hill to you ?

A. Because I was afterwards informed it was a false Copy of the Answer sent by *Phillips*.

Q. from Lieutenant *Dollison*. Was there, at any Time, an improper Conversation in Words between Lieutenant *...* and *Jefferson* the private Militia Man ?

A. Not that I know of then, and as to other Times, I know nothing of.

Q. from Lieutenant *Morland*. Whether every Time *Jefferson*

Jefferson turned round to Lieutenant *Hill*, they both smiled, made any Sign to each other?

A. I can't say that, on every Question they turned round but I observed them both Smile very often, but they made no Sign.

Q. from Captain *Stiles*. Was this Behaviour of Lieutenant *Hill's* to *Jefferson*, taken Notice of by any other Person besides yourself.

A. Yes; by Lieutenant *Mackason*, a Member of Court Martial.

CAPTAIN HODGES of the first Battalion, being sworn was examined.

Q. Do you know any Thing of the Copy of a Letter from one *Phillips*, produced at a Court Martial July last at *Maidstone*?

A. I saw the Copy.

Q. Is this the Copy? (A Paper produced.)

A. There were two Copies produced at the Court Martial, this and another.

Q. Which was the Copy Sir *Nicholas Carew* sent to Court Martial.

A. This is the Copy Sir *Nicholas* sent, there was another which Major *Parker* got from Mr. *Phillips*, (a Paper signed *Thos. Phillips*, dated *Dorking*, June 1st.) was read, which were these Words, "I often heard the Deceased say, before his Death, that what Effects he should leave with him at the Time of his Death, he did verily bequeath to him, the said *Jefferson*."

Q. Did you ever see the Original of this Letter?

A. I Did, when I was on the Court Martial; I sent it, but Word was brought it was at *Cranbrook*.

Q. Was it to the same Effect?

A. No, it was not; it differ'd in Regard to this, the Original said, "I heard *Jefferson* say;" and in the Copy was, "I heard the Deceased say;" which in my Opinion turn'd the Sense of the whole Letter.

Q. What became of the original Letter?

A. I sent it back to Mr. *Hill*?

Q. You mentioned another Copy; what was that Copy?

A. It was a true Copy of the Original, for I compared them together.

Q. Is this that Copy? (The Copy produced.)

A. It is, for I made that Mark in it myself (pointing to a mark) as well as in the false Copy.

The Question being put, by the Deputy Judge Advocate, Whether Lieutenant Hill objects to the reading of it, he answered not at all.

The Letter was then read, and the particular Words, pointed to, were as follows ;

" I oftentimes heard *Jefferson* say, &c." Instead of,

" I oftentimes heard the Deceased say," as mentioned in the Copy.

Cross Examination.

Q. Do you know in whose Hand-writing was that Copy of the Letter, you mentioned to have been produced to the Court Martial, deliver'd in by Sir *Nicholas Carew* ?

A. The Copy was taken by one *Sealing*, of the *Southwark* Company ; he acknowledged it to me, as being President of the Court Martial.

Q. Does he know by whose Orders this Copy was made out ?

A. *Sealing* told the Court it was done by Desire of Lieutenant *Hill*.

Q. Did he say, I desired him to make that Variation ?

A. No, he did not.

Q. When the Original was demanded of me, did I not immediately send it ?

A. No.

Q. Did I give any Reason for not sending of it ?

A. Word was brought to the Court it was at *Cranbrook*.

Q. Was it not afterwards sent for, and deliver'd up by me ?

A. It was not sent for, but deliver'd up without being sent for, the Court being then sitting.

Q. Do you apprehend I intended to impose on the Court, by this Variation ?

A. I can't tell your Intentions.

Q. Do you think it was possible, so to impose on the Court, when the latter Part of *Sealing's* Copy, of *Phillips's* Letter, mention'd his never seeing the Deceased, in his last Sickness ?

A. I do think there was great Room to impose on any Court.

Q. Did you ask *Sealing*, whether I directed him to make that Variation in the Letter ; and what did he say ?

A. I did ask him ; and he did say, He was ready to take his Oath, that he thought it was a true Copy of the Original.

Q. from *Captain Lewis*. How long after Mr. *Hill's* Message, that the Letter was at *Cranbrook* ; was it produced at the Regimental Court Martial ?

A. As near as I can guess it was half an Hour.

Q. *Captain Lewis*. What Space of Time was there, between the reading of the false Copy, and the producing of the original Letter ?

A. A very little Time.

Q. Had the Court form'd any Opinion, on reading the false Copy ?

A. No.

Q. *Lieutenant Nash*. What Distance do you apprehend was, from the Place where the Court Martial sat at, to Mr. *Hill's* Lodgings ?

A. About 200 Yards.

LIEUTENANT RICHARD MACKASON, of the first Battalion of the *Surry* Militia, being sworn, was examined.

Q. Did you at any Time see a Familiarity between *Lieutenant Hill*, and *Jefferson* a private Militia Man, in the *Southwark* Company ?

A. I did, I was a Member of a Court Martial, held upon one *Jefferson*, a private Man in the *Southwark* Company, and I observed whenever *Jefferson* was asked a Question, immediately turned round, and looked at *Lieutenant Hill*.

Q. When was this ?

A. The 30th of May.

Q. Did he Laugh ?

A. I can't say that he did.

Q. Did *Lieutenant Hill* take any Notice of him ?

A. They both looked at each other.

Q. Did they make any Signs ?

A. I did not see any.

Q. from *Captain Lewis*. Was it the Day *Lieutenant Hill* was put under an Arrest ?

A. It was.

Q. from the President. Was there any Thing particular in *Jefferson's* looking at Mr. *Hill*, which lead you to take Notice of it ?

A. By this, the looking at every Question that was asked, I really thought there was.

Q. from

Q. *from the President.* Did any other Person of the Court Martial take Notice of this ?

A. I believe Ensign *Burt*, and Colonel *Beaumont*.

Q. *from the President.* Did they speak to you about it ?

A. Colonel *Beaumont* did, as I was going down Stairs.

Q. *from Lieutenant Dallison.* Do you know of any improper Conversation, between Lieutenant *Hill* and *Jefferson*, at that Court Martial, or before that Time ?

A. None at all.

LIEUTENANT WATERHOUSE, of the first Battalion of the *Surry* Militia, being sworn, was examined.

Q. Did Lieutenant *Hill* give you a Copy of a Letter, to deliver to Colonel *Beaumont* ?

A. He did.

Q. Is this that Copy ? (The Copy before produced being shewn him.)

A. It is.

Q. Did you know at the Time you delivered it, that it was a Copy ?

A. Mr. *Hill* told me so.

Q. Did you tell Colonel *Beaumont* that it was a Copy ?

A. I did not deliver it, I sent it enclosed in a Letter, and can't tell whether I mentioned it being a Copy ; but in Consequence of this Letter hoped he would release *Jefferson*.

Q. Did Lieutenant *Hill* assign to you any Reason for sending a Copy, rather than the Original, to Colonel *Beaumont* ?

A. No.

Q. Was this Request for having *Jefferson* released, founded on any particular Part of this Copy of *Phillips's* Letter ?

A. In Consequence of the whole Letter.

Q. Was you a Member of the Court Martial on *Jefferson*, at *Sissinghurst*, the 30th of *May* ?

A. I was.

Q. Did you there remark any Familiarity between *Jefferson* and Lieutenant *Hill* ?

A. No.

Q. What Orders did you hear Lieutenant *Hill* give, on the 30th of *May*, concerning the Confinement of any Officer, who should converse with the *French* Prisoners ?

A. I heard him give Orders to the Men, to observe the Orders Mr. *Dunbar* had given out, that Day on *Wilsey Green* ; That if any Colonel, Lieutenant Colonel, Major, or any other Officer, even himself, should correspond with the

French Prisoners, in Writing, or any other manner, they should be taken Prisoners, and carried to the main Guard and Notice given to him, mentioning that if any Man disobey'd those Orders should be punished.

Q. What followed?

A. Major *Parker* was standing by, he asked me what those Orders were Mr. *Hill* mentioned; I told him as before related; in Consequence of which he, Major *Parker*, came up to Lieutenant *Hill*, seemingly in a Hurry, and said it's meant at me: Mr. *Hill* answer'd, he was as good a Man as he, meaning Major *Parker*, and had commanded more Men than he, and had been before in his Country's Service.

Q. In what manner did Lieutenant *Hill* speak this?

A. Not seemingly in a Passion.

A. What followed?

Q. Major *Parker* then called Lieutenant *Hill* a Scoundrel Blockhead, or Rascal, I can't positively tell which, and said he did not know how to fill up a Morning Report.

Q. Did you at any Time see Money thrown from Lieutenant *Hill*'s Lodgings, at *Cranbrook*, and to whom?

A. One Fair-Day, when the Men were a little merry, Lieutenant *Hill* threw them a Shilling to drink.

Q. What Number of Men were there?

A. About sixteen or twenty.

Q. Were they crying out any Thing particular?

A. Mr. *Hill* for ever.

Q. Were they not formed in Ranks opposite his Window?

A. I did not see them formed in Ranks.

Q. Was there any Money thrown to the Men, at any other Time?

A. Yes; a Shilling from Miss *Morton*'s; a Militia Man was acting, and this was given to him and Comrades to drink.

Q. Were they, or were they not, before this Money was thrown, formed into Ranks, and shouting *Hill* for ever?

A. I do not remember.

Q. Did they hallow *Hill* for ever afterwards?

A. I believe they did.

Q. Was this after Lieutenant *Hill* was under Arrest?

A. It was the second Day.

Q. Did you at any Time hear Lieutenant *Hill* say, there was Money in the Officers Hands, belonging to the Men?

A. No.

Q. Did you ever hear Lieutenant *Hill* say, he would stand by the Rights of the Men?

A. Only

A. Only he mentioned he would endeavour to get them a Guinea a-piece, which he believed was due to them.

Q. When was this?

A. To the best of my Knowledge, about a Week after he was put in Arrest.

Q. Did you ever see Lieutenant *Hill* converse familiarly with the Serjeants, Corporals, or private Men?

A. I have seen him talk to the private Men, but I can't say familiarly.

Q. Did you ever see him use any more Familiarity to them than the other Officers?

A. No; the Men shewed him the same Respect as the other Officers.

Cross Examination.

Q. from the Prisoner. Do you apprehend the Guinea I spoke of was, what was called the marching Guinea?

A. I did.

Q. The Day *Jefferson* was brought before the Court Martial, the 30th of May, was I present during the whole Trial?

A. Not at all during the Trial, but before.

Q. Was I and *Jefferson* in the Room together at all?

A. No; to the best of my Knowledge.

Q. Whether Mr. *Waterhouse* does not remember I went out of the Room, at the same Time *Jefferson* came in?

A. Much about the same Time.

Q. from the President. Is it not possible for Lieutenant *Hill* to have been in the Room, and you not to have seen him?

A. Not in the same Room, he might be in the adjoining Room.

Q. from Captain *Emily*. Did Mr. *Hill* mention the Guinea due to the Men were in the Officers Hands, or any Thing else that imply'd they were with-held from them by their Officers?

A. No; he said they were in the Receiver's Hands.

Q. from Captain *Emily*. In whose Company were the Men that Lieutenant *Hill* promised to obtain the marching Guineas for?

A. In Captain *Hodges's*, the *Southwark* Company.

Q. from Lieutenant *Dallison*. Was the Room crowded during the Trial of *Jefferson*?

A. It was not.

Q. from Lieutenant *Dallison*, Did you ask Lieutenant *Hill* for the Original, when he gave you the Copy of *Phillips's* Letter, or did he tell you he knew it was a true Copy?

A. He

A. He told me it was a Copy, and said he chose to keep the Original, but did not say it was a true Copy.

Q. Did he give you his Reason for keeping the Original?

A. None, but that he chose to keep it.

Q. from the Prisoner. Do you remember Lieutenant Colonel Beaumont's being present during Jefferson's Trial?

A. Yes, during Part of it.

Q. from the President. What Day was the Court-Martial held, and where?

A. At Sissinghurst Castle, the 30th of May, the Day that Lieutenant Hill was put under an Arrest.

Q. from Captain Emily. In what Part of the Room did the Court-Martial set? Could not the Table be so situated that Mr. Hill might be in the Bow Window, and you not see him?

A. The Table was just opposite the Window, and I was so situated that had he been there I must have seen him.

Q. from Captain Emily. When you sat at the Table, was your Back towards the Fire-place or towards the Bow Window?

A. Towards the Fire-place, I fronted the Bow Window.

Q. from the President. What Part of the Room did Jefferson stand when he was tried?

A. About three Yards from the Staircase Door, with his Back to the Door.

Q. from the President. During his Examination did you observe him to turn round?

A. No; he might, but I did not observe him.

Q. from the President. Might not Mr. Hill be in the Passage, and you not able to see him?

A. He might.

Q. Captain Emily. Was the Staircase Door open during the Trial?

A. I believe it was.

Lieutenant Nash, a Member of the Court-Martial, requested that the fifth Article of the ninth Section of the Articles of War might be read, which being done he put the following Question.

Q. Lieutenant Nash. Whether Lieutenant Waterhouse was not in Company with Lieutenant Hill at a House in Cranbrook, when the Southwark Company, or Part thereof, wheeled, formed and marched in a riotous Manner, on the 31st Day of May, being the Fair-Day at Cranbrook?

A. I

A. I was in Company the 31st Day of May with Lieutenant *Hill*, and saw almost the whole Company opposite the Window, marching by fours round the Mountabank's Stage; hollowing, Lieutenant *Hill* for ever, as they came by the Market-House, but do not apprehend in a riotous Manner.

Q. Whether either the first or second Time that Lieutenant *Waterhouse* saw the Soldiers assembled together, and heard them cry Lieutenant *Hill* for ever, he recollects to have heard them Name any other Officer, except himself?

The Court being cleared and the Question put, Whether Lieutenant *Waterhouse* was obliged to answer this Question, it is their Opinion he is.

Three o'Clock. The COURT adjourned till To-morrow Nine o'Clock.

Saturday, September 20, 1760.

The COURT met according to Adjournment.

The former Question being put.

A. NO other Officer but Lieutenant *Hill*.

Q. Captain *Lewis*. Whether after he heard Lieutenant *Hill* order his Guard to confine any Officer or Soldier, who should be seen conversing with the French Prisoners, any Reward was offered by Lieutenant *Hill* for apprehending such Officer or Soldier?

A. Six-pence for apprehending any Person, as near as he can recollect, but cannot be positive.

Q. Captain *Lewis*. Did you ever see Lieutenant *Hill* sitting or drinking with Serjeants, Corporals, or private Men?

A. No.

Q. Captain *Lewis*. Does he know that Lieutenant *Hill* by any Means caused the Militia-Men to assemble and march hollowing, Lieutenant *Hill* for ever (as he mentioned) by the Market-Place?

A. He, Lieutenant *Hill*, sent for them to come to the Mountabank Stage, but did not cause them to hallow.

Q. Captain *Stiles*. Whether he recollects to have heard any particular Conversation between Lieutenant *Hill* and the Men, at the Time he gave them Money at *Cranbrook*?

A. No.

Q. Captain

Q. *Captain Lewis*. Can you assign the Reason for his ordering the Men to assemble that Day?

A. No.

Q. *Lieutenant Dallison*. Did Mr. *Hill* give any other Orders to the Men on that Day than to assemble?

A. No.

Q. *Prisoner*. Whether the Men came by my Order into the Bull-yard at Cranbrook on the 31st?

A. Not that I know of.

Q. *Prisoner*. Upon what Occasion did they come?

A. I don't know.

Q. Give an Account what I said to them in the Bull-yard at Cranbrook?

A. I don't know what you said.

Q. Give an Account in what manner did I assemble them together at the Stage?

A. They were sent for by Mr. *Hill* to divert the Ladies on the Stage.

Q. What Message did I send, to whom, and did any body else concur in it, excepting yourself?

A. He sent for the Men to come to the Man who acted; nobody concured.

Q. Was it for all the Men, or only for him that acted?

A. For the Men.

Q. Were there not Men of other Companies besides the Southwark?

A. There were.

Q. Did I say for what Purpose I desired them to come?

A. Only for the Man to act on the Stage.

Q. *Lieutenant Nash*. Do you remember whether or not the Southwark Company has assembled in the Manner they did on the 31st of May, at Cranbrook, either before or since that Day?

A. I do not

Q. *Captain Lewis*. Were all the Men sent for that one might act?

A. There were several acted, four or five.

Q. Were all the Men sent for that four or five might act?

A. For the Men who acted.

Q. How many Men do you apprehend were sent for?

A. Four or five, but I cannot be positive.

Q. How many Men were ordered to march by?

A. None that I know of.

Q. Were

Q. Were any Men ordered to assemble on the Fair-Day as you know of?

A. The Men who acted were desired to come to divert the Ladies.

Q. Lieutenant Morland. Did you hear Lieutenant Hill give Orders to the Men to confine the Field Officers or any other Officers, or was it the Orders he received from Mr. Dunbar?

A. I heard Mr. Hill give the Order to the Men to observe the Orders given out by Mr. Dunbar, on *Wilsey Green* that Day, which he explained by saying, that if any Colonel, Lieutenant Colonel, Major or other Officer, even himself, should treat or correspond with the *French* Prisoners, they should be taken Prisoners to the main Guard, and Notice given to him.

Q. Lieutenant Morland. By what Means were the Men assembled that march'd by hollowing, and whether with Arms or not?

A. By their own Means and without Arms.

SERGEANT WOOLCOTT of the *Southwark* Company of the first Battalion of the *Surry* Militia, being sworn, was examined.

Q. Did you hear Lieutenant Hill say, Colonel Sir Nicholas Carew had Money belonging to the Men in his Hands, when and where?

A. I have heard Lieutenant Hill say at the *White Horse* in *Darking*, some Time in *April*, that Sir Nicholas Carew had Money belonging to the Men in his Hands, but did not express the Sum, nor for what Purpose.

Q. You have been Serjeant some Time to the *Southwark* Company, has it behaved remarkably worse since Lieutenant Hill joined it?

A. They have behaved greatly worse since Lieutenant Hill joined them.

Q. Do you apprehend Lieutenant Hill supported them in this Behaviour?

A. I believe so.

Q. Did Lieutenant Hill ever say he would see the Men righted?

A. Yes.

Q. Did you ever hear Lieutenant Hill express a Dislike to Major Parker?

A. Several Times at his own House and at *Darking*.

Q. Did

Q. Did you ever hear Lieutenant *Hill* say the Officers had no Right to hold Court Martials?

A. I have heard Lieutenant *Hill* say, that the Officers had no Right to hold Court Martials on the Men, or to Punish them further than by Fines and Imprisonment.

Q. Did Lieutenant *Hill* tell this to any body else?

A. I never heard him.

Cross Examination.

Q. *from the Prisoner.* Where, and on what Occasion, did you hear me say, that the Officers had no Right to hold Court Martials, and who else was present, be particular as to the Time and Place?

A. The Time was the very Day Lieutenant *Hill* was confined, Place at the *Bull* at *Crانبrook*, nobody was present, the Occasion I know not.

Q. *Prisoner.* Did I say in general that the Officers had no Right to hold Court Martials, or whether only in those Cases cognizable by the common Law, such as apprehended *Jefferson's* as Robbery?

A. Mr. *Hill* made no mention of Criminal Cases, but said the Officers had no Right to hold Court Martials, or to punish the Men but by Fines and Imprisonment.

Q. *from the Prisoner.* Did you apprehend that I alluded to *Jefferson's* Case when I said this?

A. I imagine it must relate to *Jefferson's* Affair, I know no Reason else he could mention it to me.

Q. Are you sure I said that the Officers could not Punish the Men any otherwise but by Fines or Imprisonments?

A. Yes, you said so.

Q. Did I say so in Words, or did I turn to the Act of Parliament?

A. Both told me so and shewed me the Act of Parliament.

Q. *Captain Emily.* Did you hear Mr. *Hill* throw out any Hints that Sir *Nicholas Carew* withheld the Money from the Men?

A. No other than I have already mentioned.

Q. *Captain Emily.* Can you assign any Reason in particular for believing that Lieutenant *Hill* supported the Men in their bad Behaviour?

A. The Men have abused me, and said divers Times that they had an Officer that would take their Parts, that at *Darking* they durst not speak or say their Souls were their own, but

now they would speak, and that we (mentioning both Officers and Serjeants) might be damned.

Q. *Lieutenant Twisden*. In what manner did Lieutenant express his Dislike to Major *Parker*?

A. Mr. *Hill* at his own House said Major *Parker* was too severe, and used the Men ill, and that he (*Lieutenant Hill*) was to be made Captain of the *Southwark* Company, and he would make great Alteration and see the Men righted.

Q. *President*. When the Men expressed they had now an Officer that would take their Parts, did they mention that it was *Lieutenant Hill*?

A. No, they did not mention *Lieutenant Hill*.

Q. *President*. Was there at that Time any other Officer in the Company?

A. I believe there was Ensign *Hill*.

Q. *President*. What Reason have you to believe it *Lieutenant Hill* rather than Ensign *Hill*, as they both belong to the Company?

A. The Men in general shewed Respect to *Lieutenant Hill*, and appeared indifferent as to the Ensign.

Q. *President*. Have you any other Reason?

A. None.

Q. *Lieutenant Nash*. When you waited on *Lieutenant Hill* at the *Bull* at *Cranbrook*, was the Serjeant and Militia men sitting or standing in the Room?

A. Standing.

Q. Were there any Papers or Signs of doing Business?

A. There was a Book or two, and a Paper or two, but I imagine there was not much Business further than discoursing.

Q. *Prisoner*. At the Time he mentioned at my House that said Major *Parker* was too severe, had I any Commission?

A. I don't know the Date of Mr. *Hill's* Commission; his Conversation was the latter End of *March*.

Q. *Captain Emily*. Had Mr. *Hill*, before the Time of this Discourse at his own House, join'd the Company, or acted as Lieutenant?

A. No.

Q. *Lieutenant Dallison*. Do you know that ever *Lieutenant Hill* ordered the Men to do Things wrong?

A. I don't know that *Lieutenant Hill* ever gave the Men Orders for doing Things wrong.

Q. *Lieutenant Dallison*. When a proper Complaint has been made for a Fault committed, has *Lieutenant Hill* refused to take any Notice of it?

A. He

A. He has taken Notice, but in so indifferent a Manner that the Men continued to abuse me before Mr. Hill's Face.

Q. Relate the Facts?

A. Some Time in *May* before Lieutenant *Hill* was confined, I was collecting Money at the Barracks at *Cranbrook* of *Benjamin Haws*, by Order of Mr. *Hill*, *Haws* abus'd me for it, Mr. *Hill* came at that Time, I acquainted him of the Abuse I had received from *Haws*, and the Occasion of it, Mr. *Hill* told *Haws* it was by his Order I stopt it, and he should pay it, but paid little regard to his Abuse of me, that he still continued abusing me in the Presence of Mr. *Hill*, I know of no other Fact.

Q. Captain *Lewis*. In what manner did *Haws* abuse in the Presence of Lieutenant *Hill*?

A. Damn'd my Blood, called me Usurper, and many like Expressions.

Q. from Captain *Emily*. When the Men said, they now got an Officer to take their Parts, had Mr. *Hill* then join'd the Company?

A. He was then present with the Company.

Q. Prisoner. Was this Expression of theirs, of having an Officer to stand by them in my hearing?

A. I believe not.

ENSIGN BURT of the first Battalion being sworn was examined.

Q. On the March from *Tunbridge* to *Cranbrook*, on the 9th of *May*, when the Men halted in order to take up their Files, and march regularly, did you hear any Words between Lieutenant *Hill* and Major *Parker*?

A. Yes; Lieutenant *Hill* said, Major *Parker* was always finding Fault with the *Southwark* Company.

Q. In what Tone or Voice were these Words spoke, you think in a manner becoming an inferior to a superior Officer?

A. In a huffing Tone, unbecoming an inferior to a superior Officer.

Q. Did Mr. *Hill* ever advise you to send, and not deliver your Report yourself, to the Commanding Officer?

A. Yes; one Day in *May*, on a hot Day, when I came off from Guard, I went down to *Cranbrook* to mine and Mr. *Hill*'s Quarters, being a little fatigued with the Guard, I said, I must go and deliver my Report to the Commanding Officer, he, Lieutenant *Hill* said, I might as well send it

Q. I made Answer, I thought it my Duty to
say it myself, upon which he said we were young Men,
were fearful, and wanted Spirit.

Q. Did Lieutenant *Hill* advise you to stick by one an-
other?

A. He said we were young Men, and wanted Spirit, and
urged us to stick by one another.

Q. What did he mean by one another?

A. I took it to be we, Subaltern Officers.

Q. Was you a Member on *Jefferson's* Court Martial,
the 30th of *May*?

A. Yes.

Q. Were Lieutenant Colonel *Beaumont*, Lieutenant *Wa-
terhouse*, Lieutenant *Hill*, and *Jefferson*, at any Time that
they were together in the Guard Room at *Sissinghurst*, where the
Court Martial was held?

A. Yes.

Q. Were they, Lieutenant Colonel *Beaumont*, Lieutenants
Waterhouse and *Hill* present during any Part of *Jefferson's*
trial?

A. Yes.

Q. Did you observe any Thing particular between Lieute-
nant *Hill* and *Jefferson*, if so, relate it?

A. Yes; what I thought very unbecoming of an Officer
and private Man, when ever the Court asked *Jefferson* a
Question, he looked round to Mr. *Hill*, and Mr. *Hill* at
him, seeming to Smile at each other.

Q. Did any Body take Notice of this to you?

A. Yes; Lieutenant Colonel *Beaumont*, and Mr. *Macka-*
son.

Q. Did Lieutenant *Hill* at any, and what Time mention
a Sum of Money to the Men in Sir *Nicholas Carew's*, or
the Officers Hands?

A. I cannot say at what Time, but I have heard him
mention a Sum of Money in Sir *Nicholas Carew's* Hands,
belonging to the Men.

Q. Speak of the Time, to the best of your Knowledge?

A. I believe some Time in *May*.

Q. Did he mention it as only lodged in Sir *Nicholas Ca-*
rew's Hands, or as with-held from the Men.

A. As with-held from the Men, as I took it.

Cross Examination.

Q. Prisoner. What was the Reason of my saying, the
Majors

Major was always finding Fault with the Men, had a Thing said by the Major, that lead to it ?

A. I can't say what was the Occasion of it, or what led to it.

Q. Did you hear any Thing Major *Parker* said ?

A. I can't say I did.

Q. Was you not complaining of your Fatigue, when told you, I thought you might send your Report ?

A. I said I was fatigued, but not so much, but I could carry my Report.

Q. Did you say to me, at that Time, that you was not fatigued, but you could carry your Report ?

A. Yes.

Q. Did I continue in the Room during the whole, what Part of *Jefferson's* Trial, and where did I stand ?

A. I can't say for the whole Time, but he was there for the first Part of it, on that Side that the Windows open to the Castle.

Q. How came you not to acquaint the President of the improper Behaviour between me and *Jefferson* at that Time ?

The Court being cleared.

It is the Opinion of the Court, that the Witness is not obliged to Answer this Question.

Q. from the Prisoner. Upon what Occasion, and who else was present, when I said Sir *Nicholas Carew* had Money of the Men's in his Hands ?

A. As to who was present, I can't recollect, I don't know the Occasion, but have heard him say it, more then once.

Q. Are you sure that I said, it was with-held from the Men by Sir *Nicholas Carew* ?

A. You said it was due to the Men.

Q. Whither I said with-held ?

A. To the best of my Knowledge, you said so.

Q. *Lieutenant Twejden*. In what manner was the Table placed at the Court Martial, and which Way did the President front ?

A. I can't recollect.

Q. Which Way did you front, when you sat at the Table ?

A. My Face was toward the Bow Window.

Q. *President*. Can you recollect where abouts *Lieutenant Hill* stood, during *Jefferson's* Examination, at the Court Martial ?

A. Some

A. Some where about the Bow Window, or between the two Windows, but I cannot directly say.

Q. President. Whereabouts did *Jefferson* stand, when he was examined, at the Time Mr. *Hill* was in the Room?

A. I can't justly say.

Q. Can you recollect at what Time Mr. *Hill* went out of the Room, whilst *Jefferson* was under Examination?

A. I can't positively recollect the Time, but he went out before it was over.

Q. Lieutenant *Twesden*. Was Lieutenant *Hill* so situated, that when *Jefferson* looked at him, he must turn his Back on the Court.

A. To the best of my Knowledge he was not, but he turn'd his Head.

Q. Prisoner. Did *Jefferson* turn his Back on the Court, or not?

A. To the best of my Knowledge, I did not see him turn his Back on the Court.

Q. President. Might he, *Jefferson*, not have turn'd his Back, and you not have seen him?

A. I can't say as to that, I never perceived him to turn his Back.

Q. Prisoner. Do you believe that if he had, you should have seen him?

A. He might for any Thing I know, but I cannot say he did.

Three o'Clock. The Court adjourned till Monday Nine o'Clock.

Monday, September 22, 1760.

The Court met according to Adjournment.

CORPORAL WYCOTT, was again examined.

Q. WAS you Corporal of the main Guard at *Sissinghurst* on the 30th of May?

A. Yes; I was.

Q. Did you bring *Jefferson* into the Officers Guard Room, during the sitting of the Court Martial.

A. Yes.

Q. Who did you see there?

C 2

A. Colonel

A. Colonel Beaumont, Lieutenant Mackason, Lieutenant Waterhouse, and I believe Ensign Burt, and Captain Emile but am not certain about it.

Q. Was Lieutenant Hill there ?

A. Yes.

Q. Was Lieutenant Hill there, during any Part of Jefferson's Trial ?

A. I am not certain, as soon as I had deliver'd the Prisoner into the Room, I went out before the Court Martial begun.

Q. Did you stay without at the Door during the Trial ?

A. Yes.

Q. Did you see Lieutenant Hill come out, and at what Time ?

A. I saw him come out, but don't know particularly what Time.

Q. How long was it after you had deliver'd the Prisoner into the Room ?

A. Ten or a dozen Minutes, as near as I can guess.

Cross Examination.

Q. Prisoner. Was you Centinal at the Door ?

A. I was.

Q. Did you hear any Thing of the Trial ?

A. Yes ; I heard Mr. Dunbar read over a Letter or two, to Jefferson.

Q. Were there any Questions asked Jefferson, before he came out of the Room ?

A. I am not certain.

Q. How long did the Trial last after I came out of the Room ?

A. About an Hour and Half, or three Quarters ; it was even Time, because the Serjeant came after me to relieve.

Q. Did you see me go into the Room after I came out ?

A. No.

Q. Did I go into the Room ?

A. No.

Q. Lieutenant Morland. Was the Door of the Guard-Room, where the Court Martial was sitting, open or shut ?

A. Sometimes on the jar, and sometimes latch'd.

Q. Lieutenant Morland. Was it so much on a jar that you could see the Court sitting, or the Prisoner that was tried, or Lieutenant Hill ?

A. I look'd through the Crack of the Door, and saw Jefferson once ; I did not see Lieutenant Hill, but saw Lieutenant Waterhouse.

Q. Lieutenant

Q. *Lieutenant Morland*. Whether, when he look'd through the Crack of the Door and saw *Jefferson*, he observ'd him to run about ?

A. I did not, he fronted *Lieutenant Waterhouse*.

Q. *President*. Was you at the Door the whole Time of the Trial ?

A. Yes.

Q. *President*. Was the Door on the jar, or on the latch, during the whole Time, or open at any Time, more than to let People in and out ?

A. Sometimes on the jar, sometimes on the latch, but never open more than to let People in and out.

Q. *President*. How often did you look through the Door ?

A. But once.

Q. *Lieutenant Nash*. Does he remember whether *Mr. Cook's* being in the Room at the Time of the Trial of *Jefferson* ?

A. Yes.

Q. How long to the best of your Knowledge ?

A. A very short Time ; I heard him say, Gentlemen I see you are busy.

MAJOR PARKER being sworn,

Q. *Lieutenant Hill*. Whether *Major Parker* stands indifferent between me and my Prosecutor ? Whether he has not examined Witnesses before they came into Court ? And farther, Whether he has not read over, or been acquainted with the Minutes of this Court Martial, taken during the Course of my Trial, or some of them ?

The Court being cleared,

It is the Opinion of the Court, that any Observation, upon the Credibility of a Witness, is to be made by the Prisoner, when he comes on his Defence.

MAJOR PARKER was then examined.

Q. Did *Lieutenant Hill* behave disrespectfully to you, on the March from *Tunbridge* to *Cranbrook*, on or about the 9th of *May* ?

A. I apprehend he did.

Q. In what manner ?

A. I had ordered the Men to take up their Files and march orderly, some of them were breaking their Ranks, one *Reynolds* in particular, of the *Southwark* Company ; I asked him the Reason of that Unsteadiness, and reprimanded him sharply ; *Lieutenant Hill* turn'd to me, his Body a little inclin'd side-ways,

side-ways, his Words I think were, You are always finding Fault with this Company?

Q. In what Tone, or Voice was this spoke?

A. With a Tone of Voice, and a Gesture that I took rather as a Reproof to me.

Q. Did Lieutenant *Hill* behave disrespectfully to you, as the Head of the Guard at *Sissinghurst*, on the 30th of May?

A. He did? I think it was the 30th of May; it was the Day he was put under an Arrest.

Q. Relate the manner;

A. Upon my going to Lieutenant *Hill*, and asking him what he meant by the Charge he had given to the Guard, I think he told me he knew his Duty; upon my doubting that he told me he knew his Duty as well as me; had commanded as many Men: I will not be positive, but I think he said he had been with, or over as many, or more Prisoners; there was more passed between us; Mr. *Hill* complaining of my Behaviour and Uncertainty, and afterwards speaking in Regard to Morning Reports; I told him I had taken all the Pains to inform him of the little I knew; that I had treated him as a Gentleman; I forget what else past, but that I added, I thought this was not proper Discourse to be used before the Men; nor did I think it becoming from him to me, my Hearing not being very good, Mr. *Hill* said something but what I could not hear; the Conclusion was, that Letters had been passing backwards and forwards.

Q. Might not the Order he gave for confining the Officers, arise from his Ignorance of the Articles of War?

A. At that Time I imagined it had; I took my Horse to fetch the Articles of War, and going back with them to the Guard-Room, I open'd the Articles of War, and that particular one which respects Correspondence with the Enemy. I asked Mr. *Hill* upon what Article he went, shewing the Articles of War, and said, here are the Articles of War. Mr. *Hill* pull'd a Pamphlet out of his Pocket, and said here they are too.

Q. Did he ever charge you with being privy to the Escape of French Prisoners?

A. He did; Sir *Nicholas Carew*, soon after this past, and Colonel *Beaumont* were talking to Mr. *Hill*, in the Inner Room, at *Sissinghurst*; I went in, he, Lieutenant *Hill* turn'd to me, and said, You knew of the Escape of the French Prisoners; you said, They would escape that Night, (I think he added that Night) and they did escape, he said it with great Vehemence

temence ; it was I think a particular Night, that Night, meaning *Wednesday* Night before ; I will not be positive as to the Night meant.

Q. Did you ever hear Lieutenant *Hill* speak with Resentment, at his Disappointment of the *Southwark* Company ?

A. The first Time I met Mr. *Hill*, at *St. Margaret's* Hill, at a Lieutenancy Meeting, before he had joined the Company, after the Court broke up we had some Conversation together ; Mr. *Hill* told me, Sir *Nicholas Carew* had promised him the Company ; I answer'd, I believed he was mistaken ; it had, or would be offered to Captain *Hodges*, who had been talked of some Time ; Mr. *Hill* said, He would either quit, resign, or not join, one of those Words ; but the day, by whom I apprehend he meant his Son should stay with us ; I told this to Sir *Nicholas Carew* immediately ; Mr. *Hill* has afterwards said to me, that Mr. *Pellet* knew of this promise ; it was such that I spoke again to Mr. *Pellet*, and Sir *Nicholas Carew*, the very last Time I saw them.

Q. Was you present at *Sissinghurst* Castle, at the Trial of *Jefferson*, on the 30th of *May*, the Day Lieutenant *Hill* was put under Arrest ?

A. I believe I was there Part of the Time.

Q. Who was there besides ?

A. There were Lieutenants *Waterhouse* and *Mackason*, and *Ensign Burt*, *Jefferson*, Lieutenant *Hill*, Lieutenant Colonel *Baumont* ; Mr. *Dunbar* was there Part of the Time, but what Part I don't recollect.

Q. How long did Lieutenant *Hill* stay ?

A. I cannot recollect exactly.

Q. Did you see a Letter from Lieutenant *Hill* to one *Philips* ; when and what was the Date ?

A. I saw a Letter signed Lieutenant *Hill's*, of the *Southwark* Company, the Date was, to the best of my Recollection, the 30th of *May* ; I saw it about the beginning of *June*.

Q. What did it relate to ?

A. To *Jefferson*.

Q. When did you make the last Report, or Charge, against Lieutenant *Hill* to Lord *Barrington*, or General *Campbell* ?

A. The direct Time I cannot say ; I never saw Lord *Barrington*.

Q. When did you see General *Campbell*, on Lieutenant *Hill's* Affair ?

A. To the best of my Memory the 31st of *July*, or 1st of *August* ; it might be a Week sooner ?

Q. Did you at that Time deliver in a Charge to General Campbell, in Words or in Writing, against Lieutenant Hill?

A. I related to General Campbell what had passed, respecting Mr. Hill.

Cross Examination.

Q. Prisoner. In what manner did he address me, after I had given out my Orders to the Guard, on the 30th of May?

A. I do not apprehend in an uncivil Manner.

Q. Did you express yourself in Heat, or call me any improper Names?

A. I do believe after some Time, Mr. Hill urging me to use one of superior Knowledge, I told him he was a Blockhead and could not Spell.

Q. How did you express yourself in particular, when you told me I knew not how to fill up a Morning Report, or you call me Scoundral, Rascal, or Blockhead?

A. No other Word than Blockhead, I spoke as with Composure.

Q. Did I say any Thing of your telling the Guard that the French Prisoners would escape such a Night, and cautioning the Centinels to be on their Guard?

A. I cannot charge my Memory with your saying that.

Q. Did I say that I meant any particular Night, or only is it Suspicion that it was Wednesday Night?

A. I can't say you did.

Q. Whether the Letter to Phillips, signed Lieutenant Hill, was my Hand Writing?

A. I can't swear to Mr. Hill's Hand Writing.

Q. Was the Report you made to General Campbell in July delivered in Writing?

A. I related the Facts to General Campbell, not in Writing, but afterwards gave a Paper which I received from Mr. Gould.

Q. Was that the Ground upon which the Commission for holding this Court Martial was founded, or were any written Instructions given, to whom and when?

A. I apprehend it was grounded on the Instructions given by me to the Judge Advocate.

Q. Prisoner. When were these Instructions given?

A. Some Time in July.

Q. Mention the Day as near as you can recollect?

A. I can't recollect the Day.

Q. Was it in the 1st, 2d, or 3d Week?

A.

A. I believe it was not in the 1st Week, but as well as I can recollect by Circumstances after the 12th.

Q. Captain Lewis. Can you name any Day in July after which you can be sure these Instructions were delivered to the Judge Advocate?

A. I can't be positive as to any Day.

Q. Captain Emily. Do you believe the Letter you saw in Mr. Phillips's Hands was Mr. Hill's Hand Writing?

A. I can't swear to Mr. Hill's Hand Writing.

Q. Captain Emily. Do you know that Mr. Hill has at different Times varied the Manner of signing his Name, and in what Manner?

A. I can't be positive as to that.

Q. President. Did Mr. Hill make use of any other Words to express his Resentments against Sir Nicholas Carew, at St. Margaret's-hill, than those you have already mentioned?

A. I do not recollect.

Q. Captain Lewis. What were the Contents of that Paper which you delivered to General Campbell?

A. A formal Charge against Lieutenant Hill, which I got drawn out?

Q. Was that delivered in after the 1st of July?

A. To the best of my Recollection it was.

Q. Captain Lewis. Can you be positive as to a later Date?

A. I can't be positive.

Q. Lieutenant Morland. Did you see any particular Behaviour, during the Court Martial, between Lieutenant Hill and Jefferson?

A. I did not.

Q. Lieutenant Morland. What do you apprehend was the Meaning of those Words Lieutenant Hill dropt in your Hearing, and which were "That Letters were passing backwards and forwards?"

A. I did not hear the Connection, only those Words, so can Form no Conjecture.

Q. When was the Report in Writing of Mr. Hill's Behaviour signed by the Commanding Officer of the first Battalion of the Surry Militia?

A. I don't know, I was not here.

SERJEANT WILLIAM CRANE, of Major Parker's Company, in the first Battalion of the Surry Militia, being sworn, was examined.

Q. Did

Q. Did you see the Men of the *Southwark* Company assembled in a riotous Manner on the 31st of *May*?

A. I thought it look'd like a Riot.

Q. What were they doing that made you think so?

A. Loud Acclamations on a Fair-Day.

Q. Did they make use of any Words in their hollowing?

A. I did not hear them.

Q. How many Men were there assembled?

A. I dare say Forty or upwards

Q. Was there any other Men besides those of the *Southwark* Company?

A. Three of Major *Parker*'s.

Q. Were they assembled in the Fair?

A. Not in the Fair.

The Evidence in Support of the Charge being rested here, the President acquainted Lieutenant *Hill*, he would be indulged in any reasonable Time to prepare his Defence; he desired till *Wednesday*.

Adjourned till *Wednesday* Nine o'Clock.

Wednesday, September 24, 1760.

The Court being met pursuant to Adjournment.

LIEUTENANT HILL produced his Defence in Writing, which he desired the Deputy Judge Advocate might read.

Mr. President and Gentlemen of the Court-Martial,
WHEN I consider what an extraordinary Length this Enquiry has already run into, it gives me Concern to find myself under the Necessity of taking up any more of the Time of the Court; that I may trespass therefore as little as possible upon your Patience, I shall without any further Apology, proceed to my Defence. Before I enter into my Observations upon the Charge exhibited against me, and the Evidence produced in support of it, I cannot help taking Notice, that the Judge-Advocate has gone into an Examination of my Life and Conversation, from the Moment I became a Militia Officer down to the Day of my Trial, and I am now to answer for every idle Word, every hasty Expression that may have drop'd from me, during more than three Months that I have been under Arrest. This appears to me extremely

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only rigorous, even in a Proceeding by Martial Law. Who can stand the Test of such a Scrutiny? But this is not the Prosecutor has gone further, and has examined Witnesses as to their Jealousies and Suspicions; has endeavoured to prove me guilty, by shewing that others have behaved ill, without pretending so much as to offer at any Proof that I had any Connection or Correspondence with them, but trust the Court will not suffer any thing of this Sort to have any Weight in their Determination, though they have allowed the Judge-Advocate to enter into it, on the contrary, I am sure they will always bear in Mind, that fundamental Principle of Justice and Equity, which is equally applicable to every Judicature, That the Accused is to be presumed innocent 'till the contrary is proved, and that not from Hearsay and Suspicion, but clear and positive Evidence of Facts, happening within the Knowledge of the Witnesses. This being premised, I shall now, in as concise a Manner as I possibly can, proceed to make such Observations as occur to me, relative to the Charge, and the Evidence brought to support it.

The Charge, as I apprehend, though consisting of four several Parts, as (1st) Disrespectful Behaviour to my superior Officers. (2dly) Aspersing the Character of Major *Parker*. (3dly) Familiarity with Serjeants, Corporals and common Soldiers. (4thly) Endeavouring to raise Discontent among the Militia-men, by giving out that there was Money due to them, which was with-held by their Officers; is in Substance no more than this, That I being Lieutenant of the *Southwark* Company, in the first Battalion of the *Surry* Militia, have, whilst the said Battalion has been in actual Service, and consequently liable to Martial-Law, behaved in a Manner unbecoming an Officer and a Gentleman, that is, as the 22d Article of the 15th Section of the Articles of War explains it, in a *scandalous infamous Manner*, which, as I conceive, is the Rule by which alone the Court are to determine whether an Officer's Behaviour is unbecoming a Gentleman or not; I say, I apprehend that this is the Ground on which alone the Charge can be supported, and it may be in the Memory of the Court, that I apply'd to the Judge-Advocate, as soon as the Commission and Warrant for holding a Court-Martial had been read, to know upon what Clause or Clauses in the Mutiny-Act, and Articles of War, the Charge was founded; but receiving no satisfactory Answer to that Question, I am forced to have Recourse to my own Conjectures, and

and hope I am not mistaken when I say, I apprehend the Article above mentioned is the only one at all applicable to present Case. What confirms me in this Opinion is the Section of the 2d Article, whereby it is declared to be Offence punishable by a Court-Martial, for any Officer or Soldier to behave with *Contempt* or *Disrespect* towards a *General*, or other *Commander in Chief* of the Forces, or speaking Words tending to his Hurt or Dishonour; now as this Article is so expressly confin'd to the General, or Commander in Chief, it seems to me to follow as a necessary Consequence, that Officers of an inferior Rank, are left in such a Case, without their ordinary Remedy by the common Law, and 'tis observable, that whenever the Article is intended to extend to Officers in general, it is express'd in the plainest Terms; thus as it follows in the 5th Article of the same Section, If an Officer or Soldier shall strike his superior Officer, he shall be punished by a Court-Martial. If I am right in this Observation, it will follow that the several distinct Heads, under which my Conduct has been enquired into, are nothing more than so many Circumstances of scandalous infamous Behaviour, and in that Light only shall I consider them in my Remarks upon the Evidence.

In order to make good this accumulated Charge, a great many Witnesses have been examined as to my Actions, Gestures, Expressions, and the Tone of Voice in which I spoke, and that, as well before I ever join'd the Battalion, as since my Arrest; private Discourse spoke in Confidence to Officers of my own Corps, has been revealed, and every thing that the Industry of a very active Prosecutor could collect in the Course of five Days Examination, has been given in Evidence to support the Charge; notwithstanding which, I am persuaded the Court, and every one that has heard my Trial, my avowed Enemies only excepted, will be of Opinion, that however ignorant I may appear to have been, nothing scandalous or infamous, and therefore nothing unbecoming a Gentleman and an Officer, in the Sense the Words are here to be taken, has been proved against me. The Court will not forget that they are now enquiring into the Conduct of a Militia Officer, one not bred to Arms, nor entering into the Service with any mercenary or lucrative Views, who was put under an Arrest during the second Fortnight that he ever was with the Battalion, and has ever since, for more than three Months, been waiting with Impatience for the Day of Trial.

I come

I come now to such Observations as occur to me upon the Evidence produced against me, and as several of the Witnesses speak to different Parts of the Charge, I shall, for the sake of Brevity and Clearness, speak of each Head in particular, and apply the Evidence as I go along.

1. As to disrespectful Behaviour to my superior Officers.

The first Circumstance examin'd to, in support of this Part of the Charge, was my Order to the Guard on the 10th of May. "That if the Colonel, Lieutenant-Colonel, Major, &c. should hold any Correspondence with the French Prisoners, they should be carried Prisoners to the main Guard," or (as one of the Witnesses has it) be reported to me, and I would give 1 s. for every Officer, and 6 d. for each private Man."—These Orders have been prov'd by five Witnesses, Lieutenant *Warhouse*, Serjeant *Farmer*, Corporal *Whitcot*, and *Matthew Wisby* and *John Leach*, two private Men, who all agree, that I referred to the Orders that Adjutant *Dunbar* had that Morning given, and which Orders are prov'd by the three last Witnesses to have been. "That if any Officer, or private Man, should hold Correspondence with the French Prisoners, they would be try'd by a Court Martial, and punished." And this they are the more positive in, as they all agree it was twice repeated by the Adjutant, and he appeared to them to be reading as Part of the Articles of War. — Mr. *Dunbar* indeed, pleaded to give a very different Account of this Matter; but as they are all the Prosecutor's Witnesses, I have a Right to take the Fact as it is established by the three Witnesses, against the single Testimony of Mr. *Dunbar*, and therefore shall take up no more of the Time of the Court, with commenting upon this Part of his Evidence, but only wish to desire the Court, not to forget, that he is contradicted in a plain Matter of Fact, by the Oaths of three positive Witnesses, because I shall endeavour to impeach another Part of his Evidence by and by. — The Fact then being thus clearly established, I should hope the Order, I gave the Men, was well warranted by that I received from the Adjutant, or at least, that there was nothing to be imputed to me, but Ignorance, and too much Credulity in trusting to what the Adjutant had said. —

The next Circumstance, as it follows in order is, what passed between me and Major *Parker*, immediately after I had

had given out those Orders, though this, perhaps, falls more properly under the second Head, yet, as it may be apply'd also to the first, I shall consider it here — The Fact is related by three of the King's Witnesses, Mr. *Dunbar*, Lieutenant *Waterhouse*, and the Major himself. — Mr. *Dunbar* differs here also, materially from the other two, he knows nothing of what the Major said to me, before my telling him I was as good a Man as he, &c. nor that he called me Scoundrel, Rascal, or Blockhead, though he remembers more of what I said, then either of the others, for he says I added, "That it was hard one Man should run away with all the Honour, and the rest not be look'd on." On the other hand, Mr. *Waterhouse* says, the Major began the Discourse, by running hastily up to me, and telling me the Order was meant at him, and this is admitted by the Major himself, save, that he denies, he address'd me in an uncivil Manner; the hasty Manner in which he came up to me, and the Nature of the Expression he used, will satisfy any one, as to the manner in which it must have been spoke. Let then, the whole of this Conversation be taken together, even as related by the Major himself, and I hope, it will appear, to contain nothing scandalous, infamous, or unbecoming a Gentleman; it being always remember'd, that I had given no particular Orders respecting the Major, and that he begun with accusing me.

Another Circumstance of Disrespect — is sending a false Copy of *Phillips's* Letter to Colonel *Beaumont*, in order, as has been insinuated, to impose on the Court Martial — But as it has not been prov'd, either that I made the Copy, or directed it to be made with the Variation, which is the Matter of Disrespect here complain'd of, but on the contrary, that the Writer of the Copy declared, he thought it had been a true Copy, and had no Direction from me, or any Body else, to vary from the Original, and what proves more strongly than an hundred Witnesses, that the Variation was merely Accidental, is, that the whole Tenor of all other Parts of the Letter, and with which the Copy agrees, shews that the Letter Writer (*Phillips*) had his Information from *Jefferson*, and not the Deceased; for his Expression is, he believes the Deceased intended All for *Jefferson*, and he expresses his Concern, that he did not go up to hear what the Deceased had to say, as *Jefferson* had often desired him to do. I make no doubt therefore, but that

that this Transaction appears to the Court to have been, as in Truth it was, a most innocent Proceeding.

The Circumstance as to my Behaviour upon the Trial of the same *Jefferson*, falls next under Consideration, and as it may be apply'd equally to the 1st, as well as the 3d Head of the Charge, I shall here take Notice of it. —

The Offence, supposing the Fact had been establish'd, that I was in the Room whilst *Jefferson* was examin'd, as I solemnly declare I was not, cou'd only exist in the Imagination of the Witnesses, who observ'd it. They say, we look'd and smil'd upon each other, and from thence wou'd infer, that we must have been either plotting some Mischief together, or else familiarly Drinking and Carousing; but not to dwell longer on such a trifling Circumstance as this, which tho' inconsiderable in itself, is become serious, by the contrariety of Evidence given upon Oath by the King's Witnesses, in relation to it, I shall dismiss it with this single Remark, that if they did observe any Thing of this sort, and thought it improper at that Time, 'tis altogether unaccountable, how they cou'd suffer it to continue during great Part of the Trial, as Colonel *Beaumont* says it did, and which, as Corporal *Whitcot* says, held near two Hours.

The next, and I think, the last Circumstance, that can with any Propriety be consider'd under this first Head, is my speaking with Resentment at Sir *Nicholas Carrow's* dis-appointing me of the *Southwark* Company. — The Witnesses, as to this Fact, are Lieutenant Colonel *Beaumont* and Major *Parker*; but as the Evidence, as to this Matter, seems to have fallen far short of what the Prosecutor expected from it, I shall forbear saying any Thing more upon it than that, taken in its utmost Force, it does not amount to the Shadow of a Crime, they have not so much as offer'd to prove any one indecent Expression was made use of, or that in Fact, no such Promise was ever made me. —

2. I proceed now to the 2d Head, “ aspersing the Character of Major *Parker*, by insinuating, that he carry'd “ on an improper Correspondence with the *French* Prisoners.” To prove this, Mr. *Dunbar* was called, who has been pleas'd to swear, that he heard me, at two several Times declare, that I believ'd Major *Parker* was a Friend to the *French* in his Heart; being interrogated as to Time, Place, and other Circumstances, he has been pleas-

fed

sed to fix on *Saturday* the 7th of *June*, the Day the second Battalion relieved the first at *Sissinghurst*, for the first Time ; as to Place, the *Bull* at *Cranbrook* ; and as to the Occasion, that I was complaining to some of the Officers of the second Battalion of my hard Usage, in being put under an Arrest ; and he says further, that there were present Captain *Townsend*, Lieutenant *Lock*, Ensign *Wakeford*, Quartermaster *Young*, and Lieutenant *Waterhouse*. In Answer to all this, I shall call several of the Gentlemen by their names, and if they declare they remember nothing of any such Expression, I hope the Evidence of a Witness thus impeach'd, and who has been contradicted in other Parts of his Evidence by the King's own Witnesses, will not have any Weight with the Court. — As to the second Time of my using the same Expression, he has laid the Scene, in such a manner, as renders it next to impossible to confute him. — The Time, he does not remember (so that for any Thing that appears to the contrary, it might be after the second Report to General *Campbell*, to which Period, the Court have confin'd the Evidence ; and this alone, I submit is a sufficient Answer, as to the last Time of speaking those Words.) — He says Nobody else was by, and therefore gives me not the same Opportunity of contradicting him, as in the former Instance ; but as far as the Nature of the Thing will allow, I shall endeavour at it, by calling the Mistress of the House, where I lodge, to prove, that ever since I have been at her House, I have refus'd to speak with Mr. *Dunbar* in private, or hear any Thing he has to say, unless they are by. — Is it probable then, that I should lay myself open, in such a manner to my avow'd Enemy ? I hope the Court will be satisfy'd, I have sufficiently answer'd this Piece of Evidence.

The next Witnesses that speak to this Article are Colonel *Beaumont* and Major *Parker*, who both say, that upon their expostulating with me, about the Impropriety of the Orders I had given the Guard, I justify'd what I had done ; said I did not know what they understood by an improper Correspondence with the Prisoners ; that Letters frequently pass'd to and from the Prisoners, and that the Major had given Notice to the Centinels before-hand, that the Prisoners would escape such a Night, and ordered them to keep strict Watch ; and that the Prisoners did escape accordingly. Admitting every Tittle of this to be true, I cannot see what use can be made of it ; unless they infer, that I meant to insinuate that Major
Parker

Parier conniv'd at their Escape; but how can such an Inference be drawn, when the Major is said to have appriz'd the Guard of it before hand, and to have ordered them to keep strict Watch.—Take the whole of the Conversation together, and I apprehend it is rather a Compliment on the Major's Ingenuity and Industry, in discovering the Prisoners Designs, and his Integrity cannot be suspected, because he is said to have appriz'd the Guard of it before-hand, and to have caution'd them to keep a good Look-out, which he wou'd never have done, had he been a Confederate with them.

I do not recollect any Thing further, that is material upon this Part of the Charge.

3. I therefore proceed to the 3d Head of Evidence, touching my Familiarity with Serjeants, Corporals, and private Men.—Mr. *Dunbar*, who has gone much the furthest of any of the Witnesses upon this Head; says nothing more than that I suffer'd the Serjeant Major to talk with me with his Hat on; that I came out of a Room at the *Bull*, where the common Men were drinking with their Hats on, but does not pretend to say that I eat, drank, sat down, or even so much as spoke to them: This Article I shall therefore dismiss, with this single Remark, That the speaking with Freedom, and even Familiarity, to a Person whose Lot it may be to march in the Ranks, as a private Militia Man, is by no Means the same Thing, as when used to enlisted common Soldiers in the regular Troops; every Gentleman that sits upon my Trial, must be sensible of this Distinction.

4. I come now to the 4th and last Head of the Charge; Endeavouring to raise Discontent in the Minds of the Militia Men, by telling them there was Money due to them, which was with-held from them by their Officers.

The only Witness that comes up to the Words of the Charge, or pretends he ever heard me say there was Money with-held from the Men, by their Officers, is Ensign *Burr*, who is not positive that I said with-held, but that I said there was Money in Sir *Nicholas Carew's* Hands belonging to the Men, and as he understood, I meant that the Money was with-held by him.—Serjeant *Wolcot* speaks to this Fact, but not so fully,—Now admitting this to be true, it by no Means proves the Charge, which is, That I rais'd Discontent among the Militia Men, by telling them their Officers with-held from them their Due; but no Evidence has been given,

that I ever said a Syllable about it, to any one of the common Men, nor consequently that I ever rais'd Discontent among them on that Account.

There is another Part of Serjeant *Wolcot's* Evidence which it may be proper here to take Notice of, and that my declaring to him that the Militia Officers had no Right to hold Court Martials, or punish the Men otherwise than by Fine or Imprisonment.—I cannot say that I recollect the Discourse, but I well remember, when *Jefferson's* Affair was in Agitation, that I look'd into the Mutiny Act, and thought myself, that the Charge exhibited against him, was more proper for the Cognizance of the Civil Courts, than of a Court Martial; and 'tis possible I might produce the Act, in Support of such my Opinion: I do as freely confess, that for some Time after I joined the Battalion, I was under a Mistake about the Militia Regiments having Power to hold Court Martials; which I was led into merely by making use of an old Mutiny Act, which I had by me, bound up with the Articles of War, ever since the last War. If I therefore maintain any such Opinion, it proceeded from that Circumstance only, and as it is not pretended, that I ever declar'd this to the common Men, or any other Person than this Witness, I hope I shall not be deem'd culpable, for what proceeded thus merely from Ignorance and Mistake.

There are one or two Circumstances which I now recollect that fall most properly under the 1st Head, but having thus escap'd me, I shall now shortly take Notice of; one is, my Declaration to Serjeant *Wolcot*, some Time before I joined the Battalion, "That Major *Parker* was too severe to the Men." "That I shou'd soon have the *Southwark* Company, when a great Alteration wou'd be made."—I don't know the Harm of all this, supposing it to be true; but I don't recollect that the Serjeant ever was at my House, when he says the Conversation pass'd.—The other relates to an Expression I us'd on the March from *Tunbridge* to *Cranbrook*. Ensign *Burt* and Major *Parker*, both speak to this; they say that I told the Major, in a huffing Tone, that he was always finding Fault with that Company; I recollect, that as the Men were marching, almost up to the Mid-leg in Dirt, some of them broke their Ranks, for their more convenient passing thro' these foundrous Ways; the Major came up and spoke to them, with great Severity, insisting upon their keeping the Ranks, which being attended with the Inconvenience above mention'd, I don't know but I might express myself to the

Effect they have deposed, but must submit it to the Court, that there was Nothing criminal in the Expression.

I must now take Notice of some other Facts, that have been examin'd to, which fall not under either of the foregoing Heads, and consequently are not comprehended in the Charge; and they are what relate to my causing the Men to Riot and Mutiny, and encouraging the subaltern Officers to do so. As to the first of these, Lieutenant *Waterhouse* has inform'd the Court of every Thing that passed, relative to the assembling the Men, about the Mountabank's Stage, on *Granbrook* Fair Day; and as I hope, has satisfied them there was Nothing mutinous or seditious in that Proceeding; at least Nothing that can be imputed to me, even supposing I cou'd be try'd for encouraging Mutiny, under the present Warrant, which I humbly insist I cannot.—As to my encouraging the Subaltern Officers to stick by one another, or oppose, or mutiny against their superior Officers, it is liable to the same Objection; but supposing it was not, I submit it with great difference to the Court, that the words, *Stick by one another*, when spoke upon such an Occasion as Mr. *Burt* has mentioned, are not to be construed in a bad Sense.—And I shou'd hope there would the less Regard be paid to such an unguarded Expression, when spoke in Confidence to a Friend.—If every Thing a Man says at such Times, is to be brought against him upon a Day of Trial, to support a criminal Charge, How few will escape! Upon the whole, I submit my Cause, with the greatest Chearfulness, to the Determination of the Court, relying with that Confidence, which every Man conscious of his own Innocence is apt to entertain, upon Honour, Integrity, and Impartiality of my Judges, who being all Members of the same Constitutional Military Establishment with myself, will make proper Allowance for any Oversight, or Mistakes I may have committed, in the Course of about three Weeks Service, which is all the Time that I was with the Battalion, before I was put under an Arrest, since which I have been treated as a Criminal, for upwards of three Months.—They will also, I make no Doubt, excuse any hasty, petulant Expressions, that may have drop'd from me, since I have been under these unfortunate Circumstances.

I am now to return Thanks to the Court for their Indulgence shewn to me, throughout the Course of their long and fatiguing Attendance upon my Trial, and to ask Pardon for any unnecessary Trouble I have given them.

I shall call but very few Witnesses, and that I may not take up the Time of the Court, with any Thing that appears to the Court, either immaterial or unnecessary, I will shortly state what Facts I propose to call my Witnesses to, that I may receive the Directions of the Court, to forbear examining to any Thing they think immaterial.

1. I propose to call three or four Witnesses, to confirm what three of the King's Witnesses have prov'd, in Relation to the Orders given out by Adjutant *Dunbar*, on the 30th of *May*.

2. I intend to call the Gentlemen, whom Mr. *Dunbar* says, were present at the *Bull* at *Cranbrook*, when the Conversation happen'd, that he has mentioned.

3. I shall call the Mrs. of the House, where I lodge, and her Journeyman, to speak what they know, as to the manner of my receiving Mr. *Dunbar* at my Lodgings, who will also speak as to Threats, and Menaces used towards me, by one of the Witnesses that has been examin'd against me.

4. I shall produce Witnesses as to the manner in which the Major came up to me, after giving out my Orders to the Guard, on the 30th of *May*.

Lastly, I shall call a Witness to give an Account of what passed between me and the Major, on the 9th of *May*, upon the March from *Tunbridge* and *Cranbrook*.

Lieutenant *Hill* in his Defence, call'd the following Witnesses.

THOMAS CHAPPEL, of Captain *Hodges's*, or the *Southwark* Company, being sworn, was examined.

Q. W AS you present on the 30th of *May*, when the Battalion was formed into a Circle, on *Wilsley Green*?

A. Yes, I was.

Q. Did you see me there?

A. Yes.

Q. Did you hear Mr. *Dunbar* read any Thing relating to the holding of Correspondence with the *French* Prisoners?

A. Yes.

Q. Give

Q. Give the Court an Account of it.

A. What Mr. Dunbar read on *Wilsey Green*, was, that no Officer, Non-Commission Officer, or private Man should hold Correspondence with the *French Prisoners*.

Q. Did he repeat this more than once?

A. Yes; at Mr. Hill's Request, turning to the Guard that was to mount that Morning.

Cross Examination.

Q. In what Manner did Mr. Dunbar hold the Book, when he read this?

A. In the Manner of other People, when they read.

Q. Was there any grumbling among the Men, on Account of these Articles?

A. I heard none.

Q. Did you hear Lieutenant Hill say, the Adjutant was a Black, for reading all about the Men, and Nothing about the Officers.?

A. I heard no such Thing.

Q. Captain Lewis. On which Guard did you mount that Day?

A. I did not mount on any.

Q. Lieutenant Nash. When Mr. Dunbar read the Articles of War, on *Wilsey Green*, on the 30th of May, are you sure he used the Words *French Prisoners*?

A. He did.

BENJAMIN HOWES, of the *Southwark* Company, being sworn, was examined.

Q. Was you on *Wilsey Green*, the 30th of May, when the Battalion was formed into a Circle?

A. I was.

Q. Did you see me there?

A. I did.

Q. Did you hear Adjutant Dunbar read any Thing in Regard to holding Correspondence with the *French Prisoners*?

A. I did.

Q. Give an Account of it to the Court.

A. He read that no Officer, Non-Commission Officer, or Soldier, should hold any Correspondence with the *French Prisoners*, in so doing they were guilty of Death, or otherwise, as the Court Martial should think proper to inflict upon them.

Q. Did he repeat this more than once?

A. Twice.

Q. At whose Request ?

A. At your's, Lieutenant *Hill*.

Q. Do you remember any Thing of the Mens marching from *Tunbridge* to *Cranbrook*, on the 9th of *May* ?

A. To the best of my Knowledge, as to the Time, I do.

Q. Was any Part of the Road deep, or Mirey.

A. Sometimes up half the Leg, sometimes three Parts.

Q. Did this render it very inconvenient for the Men to march, orderly in Rank ?

A. It did.

Q. Do you remember any Thing that passed between Major *Parker* and me, in Regard to that Matter ?

A. I can't remember any Passage that passed between the Officers.

Q. Do you know any Thing of the Major's insisting on their keeping the Ranks, in those bad Roads ?

A. I do.

Q. Give an Account of it.

A. I remember as we were marching, the Ways were very bad, all the Front and Rear had Boughs in their Hats ; we willing to be agreeable to the rest, a Serjeant and a Corporal went out of the Ranks, to gather the like for us ; the Major came up directly, and damn'd us, and order'd the Serjeant and Corporal into the Ranks again ; and said, if one of us presumed to go out of our Ranks again, he would send us into the Rear, march us Prisoners, and put us into the Guard House.

Q. Did you ever hear Mr. *Dunbar* say, that the Borough Company did their Duty as well, or better than any of the five Companies ?

A. Yes ; I did, the first Time he mounted Guard with us at *Sissinghurst* Castle, we mounted by Companies, he told us we were represented as the worst of the whole five Companies, but that, if we continued to do our Duty, as we then did, he would stile us the very best, and gave us three Pence a-piece.

Q. Was this before, or after my Arrest ?

A. After Mr. *Hill's* Arrest.

Cross Examination.

Q. Was you one of the Guard on the 30th of *May* ?

A. I was.

Q. How did Mr. *Dunbar* hold the Book, when he read the Orders against corresponding with the *French* Prisoners ?

A. He

1. He held it in his Hands properly, as another would that was Reading.

Q. Did you, at any Time hear, Lieutenant *Hill* say, the Adjutant was a Black for reading all about the Men, and nothing about the Officers?

A. No.

Q. When Mr. *Dunbar* gave the Order, signifying, that if any Officer, or Soldier, corresponded with the *French* Prisoners, they should suffer Death, or such other Punishment as the Sentence of a Court Martial should inflict, did you apprehend it to be an Article of War, or an Inference of his own?

A. By his reading in the Book, I apprehended it to be an Article of War.

Q. *President*. Were there any other Words made use of by Mr. *Dunbar* between that Part, "That no Officer, Non-Commission'd Officer, or private Man, should hold Correspondence with the *French* Prisoners." And the latter Part, wherein he said, "they were Guilty of Death, or such other Punishment, as the Sentence of a Court Martial should inflict?"

A. No other Words,

Q. *President*. Did you ever hear the Articles of War for the Land Service read before?

A. Never throughout.

Q. *Captain Lewis*. Did you understand that Article of War, as read by Mr. *Dunbar*, to mean, that a Centinel should confine his Colonel, Lieutenant Colonel, Major, or any other Commission Officer, if he saw him conversing with the *French* Prisoners?

A. I understood it did.

Q. *Captain Lewis*. In Consequence of that Article, would you have thought it the Duty of a Centinel, to confine either the Colonel, Lieutenant Colonel, Major, or any Commission Officer, if seen conversing with the *French* Prisoners, without any other Order?

A. It would have been proper to have detained him, but not kept him close Prisoner, till I had reported him to my Commanding Officer.

Q. *Captain Lewis*. Would you have thought it your Duty to have confined the Officer of the Guard, if seen conversing with the *French* Prisoners?

At the Desire of a Member, the Court was clear'd, and Opinion taken, whether this was a proper Question. It is their

their Opinion, it is a proper Question, and he is to Answer it.

The Question being again asked.

A. Yes.

Q. *Lieutenant Nash*. Has *Lieutenant Hill*, since he has been in the Regiment, got any Sum of Money for you which has been with-held from you by your Officers.

A. No.

Q. *Lieutenant Nash*. Did *Lieutenant Hill* give, or send you any Money on the 31st Day of *May*, being the Fair Day at *Granbrook*?

A. Not, that I know of.

Q. *Lieutenant Dallison*. Did *Lieutenant Hill* explain by any Words, what Adjutant *Dunbar* read to you on *Wilkes Green*, when you mounted the Guard with him?

A. I was in the fourth File, and heard nothing.

Q. Did you, or did you not, hear *Lieutenant Hill* say, mind the Orders of Adjutant *Dunbar*.

A. No.

JOSEPH DAWNEY, of *Lieutenant Colonel Bedmont's* Company, being sworn, was examined.

Q. Do you know any Thing that passed between me and Major *Parker*, after the Order I gave the Guard, on the 30th of *May*?

A. Nothing; but that I saw Major *Parker* come up to *Lieutenant Hill* in a great Passion, and call'd him Scoundrel, 'tis all I have to say.

Cross Examination.

Q. Was you one of the Guard on the 30th of *May*?

A. Of the old Guard.

Q. Was there any Discourse between Major *Parker* and *Lieutenant Hill*, before he called him Scoundrel?

A. I know nothing more.

Q. Did Major *Parker* call *Lieutenant Hill* Scoundrel, without saying any thing else to him?

A. I heard no more than that.

Q. You said Major *Parker* came up in a great Passion, did he call *Lieutenant Hill* Scoundrel the Moment he came up?

A. Yes.

Q. How near was you to Major *Parker*?

A. Within about Half a Dozen Yards.

Q. Do

Q. Do you think if he had said any thing else you were enough to hear him?

A. Yes; I was.

Q. Did you hear Lieutenant Hill say any thing?

A. No.

Q. Lieutenant Dallison. How long did you continue within Yards of Lieutenant Hill, when Major Parker was talking with him?

A. About a Quarter of an Hour.

Q. Did those two Gentlemen continue talking together for any Time?

A. Yes.

Q. How came it to pass, that you being for a Quarter of an Hour within six Yards of Major Parker and Lieutenant Hill, whilst you say they were talking, you heard the Word Roundel only?

A. Because the old Guard march'd off, and I was with them.

Q. Lieutenant Dallison. How do you know they were talking together for a Quarter of an Hour?

A. I know nothing further than I have said already.

Q. Was there any Noise at that Time?

A. No.

SERJEANT ANDREW LITHGOW, of the South-west Company, in the first Battalion of Surry Militia, being sworn, was examined.

Q. Do you remember any thing that passed between Major Parker and me, during the March from Tunbridge to Cranbrook?

A. From Tunbridge to Cranbrook Major Parker stop'd us three times on the Road, and the Roads being very dirty, the Men were obliged to quit the high Road, and go into the Foot Path; I was ordered to keep the Men in their Ranks, or else I was to be put back to the Rear Guard, and put Prisoner. There were several Men in Lieutenant Colonel Beaumont's Company, they being in the Front that Day, and some Men of Major Parker's in the Rear of us, on the Foot Path. It was almost impossible for any Serjeant to keep them in the main Road. Major Parker told Lieutenant Hill to keep the Men in their Ranks; Lieutenant Hill answered, You find more Fault with this Company than with the other Companies on the March.

Cross Examination.

Q. You have been a Soldier ; is it an uncommon thing a Major to make the Men keep their Ranks ?

A. Yes ; in such a dirty Way ; for Men have a Tolerance on a March.

Q. In what Tone of Voice did Lieutenant *Hill* say this to the Major ?

A. In a very civil mild Way.

Q. Whereabouts was your Company ?

A. In the Center.

Q. Do you know any thing of a Serjeant's going to gather Boughs out of the Hedges ?

A. Yes.

Q. Don't you think it the Duty of a commanding Officer to prevent Hedges from being torn on a March ?

A. No ; not on that Account, of a Sprig of May.

JAMES HOBBS, of Sir *Nicholas Carew's* Company, in the first Battalion of the *Surry* Militia, being sworn, was examined.

Q. Do you remember any thing that passed between Major *Parker* and me, after I gave my Orders to the Guard the 30th of May.

A. The Major came up to Lieutenant *Hill*, shaking his Hand, and said, we know what you are, you are a Scoundrel, and returned again to Sir *Nicholas Carew*, saying some Words, but it was at such a Distance that I could not tell what he said ; the Guard was relieved in a few Minutes, so that I heard nothing more,

Cross Examination.

Q. What Guard did you belong to that Day ?

A. The old Guard.

Q. Did you hear Major *Parker* say any Words to Lieutenant *Hill* before he call'd him Scoundrel.

A. There were a few Words, but what they were in particular I cannot say.

Q. Did you hear Lieutenant *Hill* say any thing afterwards ?

A. Not a Word afterwards.

Q. What did you apprehend was the Reason that Major *Parker* called Major *Hill* a Scoundrel ?

A. Because

Because he insisted the Men should do their Duty ;
all thought so.

Three o'Clock, the COURT adjourned,
till To-morrow at Eight o'Clock.

Thursday, September 25, 1760.

The COURT met pursuant to Adjournment.

President. WHAT Distance was you from Major *Parker*
and Lieutenant *Hill* when you heard the
Scoundrel made use of ?

A. About seven or eight Yards.

Q. President. How long did they continue talking toge-
ther whilst they stood in that Position ?

A. About a Quarter of an Hour.

Q. Did they continue talking all that Time ?

A. No ; sometimes the Major went backwards and for-
wards.

Q. President. At other times, when the Major did not go
backwards and forwards, were they talking together ?

A. The Major came up to Mr. *Hill* two or three times ;
they talk'd together, but it was only a few Words that they
spoke to each other.

Q. Did you hear none of those few Words, but the Word
Scoundrel ?

A. None that I could distinguish but the Word Scoundrel,
and, You know what you are.

Q. Lieutenant Nash. What do you mean by the Men do-
ing their Duty ?

A. On Mr. *Hill's* insisting the Guard to do their Duty re-
lating to the Orders for confining the Officers, as read by Mr.
Dunbar that Morning to the new Guard.

Q. Lieutenant Nash. Did Lieutenant *Hill* give any fresh
Orders at relieving the Guard, or tell you to mind those Mr.
Dunbar read on *Wilsey-Green* ?

A. Only to mind those read on *Wilsey-Green*.

Q. Captain Lewis. Did it appear to you that Lieutenant
Hill spoke to Major *Parker*, before the Major said, We know
what you are, you are a Scoundrel ?

A. No ; he did not.

LIEUTENANT WATERHOUSE, of the first Battalion called, when desiring to have his former Evidence read over, and to explain some Part of it, the Court was cleared, and the Opinion taken, which was, That a Witness might alter his Evidence at his own Desire, on its being read over to him; his former Deposition being read over to him, desired it might be inserted, that as he was President, and busy in taking down the Minutes of the Court Martial, 30th of May, he did not observe *Jefferson* and *Lieutenant Hill* in the Room together, that a Person might come in whilst he was writing, but that to the best of his Knowledge he did not, and this was a Circumstance he before forgot to mention.

He was then further examined.

Q. Do you remember any thing of being in Company with Mr. *Dunbar* and me, at the *Bull* at *Cranbrook*, the 7th June, when the second Battalion relieved the first.

A. I do.

Q. Do you remember who else was in Company?

A. I can't positively say, but to the best of my Knowledge there was Mr. *Dunbar*, Lieutenant *Hough*, and Quarter-Master *Young*.

Q. Did you hear me say that I believed Major *Parker* was a Friend to the French in his Heart, or make use of any such Expression.

A. No; I can't say I did.

Cross Examination.

Q. Was you in the Room all the Time Mr. *Dunbar*, Lieutenant *Hough*, and Quarter-Master *Young* staid there.

A. Yes; while the Company staid, we staid about Quarter of an Hour, then Lieutenant *Hill* and I came away together.

Q. Whether he was not in the Custody of Lieutenant *Waterhouse*, as in Arrest, the whole Day?

A. I believe he was.

Q. Captain *Lewis*. Were there any other Persons in Company than those you have mentioned?

A. I believe Lieutenant *Lock*, but cannot positively say.

Q. Do you apprehend that Lieutenant *Hill* might have said that he believed Major *Parker* was a Favourer of the French in his Heart, without your having heard it?

A. I was out of the Room five or ten Minutes, the Time I can't positively say, had it been said whilst I was in the Room, I apprehend I should have heard it.

JAMES GRIFFITHS of *Maidstone*, being sworn, was examined.

Q. With whom do you live?

A. Mrs. *Kemphorn*, a Tallow Chandler.

Q. Do I lodge at her House?

A. Yes.

Q. Have you lived there ever since I lodged there?

A. A great deal longer.

Q. When did I first come to lodge there?

A. Between two and three Months ago.

Q. Have you ever seen Mr. *Dunbar* come to my Lodg-

ings?

A. Yes.

Q. Did you ever see Mr. *Dunbar* and me in a Room together, without a third Person?

A. No.

Q. Was he ever admitted to have Access to me at my lodgings, without a Person with me, and whether my Orders have not been as such, that when ever he came, the Witness, or some other Person of the Family might be

A. Yes.

Q. Were such my Orders observed punctually?

A. Yes.

Q. Did I assign any Reason for these Orders?

A. No other than that you would not be with Mr. *Dunbar* alone.

Cross Examination.

Q. You say these Orders were observed punctually, are you never from Home?

A. Yes; often.

Q. How then can you say, these Orders have been always punctually obey'd?

A. Because my Mistress is always at Home, when I am

Q. How many does your Family consist of?

A. Of four, exclusive of Mr. *Hill*, and a Child.

Q. Have you not seen the Serjeant Major in Company with Lieutenant *Hill*?

A. Yes; often.

Mrs. ANN KEMPTHORN, being sworn, was examined.

Q. Do you remember of any Orders I gave about Mr. *Dunbar*'s being admitted to speak to me at my Lodgings?

A. He

A. He order'd me, or my Servant, to come into the Room whenever Mr. *Dunbar* was with him.

Q. Was you constantly at Home, when your Servant was out?

A. Yes; constantly.

Q. Were these Orders punctually observed by you?

A. Yes; for when I was out, I always desired my Servant to be present.

Q. Did I tell you the Reason, for giving those Orders?

A. Because he did not like to be in Company with Mr. *Dunbar* alone.

Q. Did you ever hear him threaten me, or see him shake his Fist in my Face.

A. He came and shook his Fist in his Face, demanding his, and his Son's Commission, and said, he would do for him.

Cross Examination.

Q. Do you know the Reason of Mr. *Dunbar*'s threatening Lieutenant *Hill* in this manner?

A. I do not know.

Q. What Discourse lead to these Threats.

A. I can't tell, Mr. *Dunbar* always went away in a great Passion, as he came; once he came, and told Lieutenant *Hill*, he was to be taken up as a Deserter, and told him that if he would not go down in the Post Chaise, they would tie him Hands and Legs, and ball him into a Dragoon Cart.

Q. Was this at the same time, he shook his Fist at him?

A. No.

Q. How long ago was this?

A. About a Fortnight ago.

Q. Did Mr. *Hill* give those Orders, relative to Mr. *Dunbar* in general, or only at particular Times.

A. In general.

Q. Captain *Emily*. You keep a Shop, might not Mr. *Dunbar* and Mr. *Hill* have some Conversation in the Shop, or else where in the House, and you and the Servant, not privy to it?

A. I don't imagine there could.

Q. Captain *Lewis*. Did not Lieutenant *Hill*, at any of those Times you have mention'd, say something which lead Mr. *Dunbar* to the Abuse you have given an Account of?

A. No.

A. No; but used always to behave to him with a great deal of good Manners.

Lieutenant *Hill* here rested his Defence; and the Court adjourned till To-morrow Morning Nine o'Clock.

Friday, September 26, 1760.

THE Court being met pursuant to Adjournment, Mr. *Dunbar* desired leave to correct a Mistake in his Evidence, and that it might be read over to him.

It was accordingly read; and Mr. *Dunbar* desired that Lieutenant *Lock* might be inserted in the room of Ensign *Wakeford*, in the former Part of his Deposition, where he mentions the Persons present at the *Bull* at *Cranbrook*.

Serjeant *Jones* being call'd to establish the Credibility of a Witness, impeach'd in the Defence.

It was objected to by the Prisoner.

The Court being cleared, the President was directed to ask the Judge Advocate, whether he insisted on the Examination of this Witness.

The Question being put by the President, he answered, he did not.

The Evidence being closed, the Judge Advocate submitted the following Observations to the Court;

IN pursuance of my Instructions, as Deputy Judge Advocate, I shall lay before the Court some Observations on Lieutenant *Hill's* Defence, as well as on the Evidence in general given, during the Course of this Trial.

For the sake of Method, I shall take the Heads as laid down in the Warrant and Charge; namely, First, Disrespect to his superior Officers. 2 dly, The Aspersions of Major *Purker's* Character. 3dly, Behaviour unbecoming an Officer and a Gentleman, by associating with the Serjeants and private Men. And 4thly, the endeavouring to excite Discontent among the Militia Men, by insinuating that they had a Title to a large Sum of Money, with-held from them by their Officers.

But before I enter into the Evidence, I beg Leave to mention, and submit it to the Court, whether every Head, or
Article

Article of this Charge, does not come under the third Article of the 20th Section, of the Articles of War, as being the Prejudice of good Order, and Military Discipline.

This premised, I shall begin with the first Article of Charge, Disrespect to his superior Officers.

First, Then his Charge to the Guard, to confine any Colonel, Lieutenant Colonel, Major, Adjutant, &c. if corresponding with the *French* Prisoners. This is proved the Evidence of Serjeant *Farmer*, Corporal *Whycot*, Lieutenant *Waterhouse*; this last Witness adds, that he order'd them to be taken to the main Guard: On the other Hand, *John Leach*, a King's Evidence, positively says, Order was only to report them.

It appears to me that Lieutenant *Hill*, in his Defence does not deny the giving of these Orders, but attempts justify himself, by proving that he gave them, in Consequence of what he apprehended, were the Articles of War read by Mr. *Dunbar*, Adjutant to that Battalion.

I own I do not well see how he can exculpate himself, pleading he was misled through Ignorance of the Articles of War, as Major *Parker* has proved he had them, at the Time in his Pocket: Neither does he mention any Directions given by the Adjutant to seize, or confine a Field Officer in the Guard-Room; or to offer a Reward for so doing.

Mr. *Dunbar* deposes, he read the Articles of War, on the 30th of May, to the Guard; that when he came to the 18th and 19th Articles of the 14th Section, which are the Penalties of relieving, harbouring, or holding Correspondence with the Enemy, Lieutenant *Hill* desired him to stop, and spoke to the Men, saying, "You and others must observe the Articles;" and then desired him to read them over a second Time; that he on these Words, imagining Lieutenant *Hill* had heard of some improper Correspondence, between the *French* Prisoners and the Men, Held down the Book, and gave a Charge to them against corresponding with the *French* Prisoners, declaring such as did should be punish'd; but says he did not include the Officers.

This is confirmed by the Evidence of *Matthew Crable*, who also deposes, that Lieutenant *Hill* said, Mr. *Dunbar* was a Black, for reading all about the Men, and Nothing about the Officers: In his Cross Examination, being asked whether the Adjutant left out the Officers in his Prohibition, says he can't tell; but adds, that all the Men about him grumbled,

gumbled, at this supposed Distinction, between the Officers and private Men.

This leads me to observe a Mistake in Lieutenant *Hill's* Defence, where he says, the Fact of Mr. *Dunbar's* including the Officers in the Prohibition, was establish'd by three Witnesses, against his single Testimony.

Another Evidence, *John Leach*, of Lieutenant Colonel *Beaumont's* Company, mentions the Circumstance of Lieutenant *Hill's* calling the Adjutant a *Black*, saying he was willing enough to read any Thing of the Men, but Nothing of the Officers; and adds, that he said there would be a *Prisoner before Night*: He says he don't know there was any Gumbling. On his Cross Examination, he says Mr. *Dunbar* included the Officers in his Charge; I will not pretend to account for this Contradiction; tho' it seems very strange, that after this Mention made of the Officers, Lieutenant *Hill* should call the Adjutant a *Black*, or accuse him of Partiality.

Corporal *Whitcote* allows he mentioned the Officers, as well as the private Men.

To prove that Adjutant *Dunbar* read these Orders, Lieutenant *Hill* call'd *Thomas Chappell*, and *Benjamin Hawes*, who both say, very positively, that Mr. *Dunbar* read an Order, or Article of War, in the Circle, forbidding Officers or Soldiers, to hold any Correspondence with the *French* Prisoners; but *Hawes* says particularly, that the Penalty was Death, or such other Punishment as should be inflicted by the Sentence of a Court Martial.

Likewise under this first Head, of Disrespect to his superior Officers, that Part of Serjeant *Wolcot's* Evidence comes, wherein he deposes Lieutenant *Hill* said, the Officers had no Right to hold Court Martials, or to punish the Men any other ways than by Fines, or Imprisonment.

In his Defence he says, he does not remember this Discourse to *Wolcot*, and insinuates that he only alluded to *Jefferson's* Case, which as stated, was more proper for the Cognizance of a civil, than a military Court. But whether Lieutenant *Hill* said in general, that Militia Officers had no Power to hold Court Martials, or only in that particular Case, the Court will determine, from the Serjeant's Answer in the Minutes, as well as from his own Defence.

If in general, I must observe that Ignorance can hardly be allowed as a sufficient Excuse, for this rash Declaration; Court Martials had been held, and Delinquents punish'd; when he asserted to a Serjeant (luckily a prudent one) that

the Officers had no Right to hold Court Martials ; it follows then, that what they had done was Illegal, and Tyrannical and consequently reflected, in the highest Manner, on the *superior Officers*, for suffering these Court Martials to be held or confirming their Sentences.

The next Circumstance of Disrespect is to Major *Parker* and passed immediately after the Delivery of Lieutenant *Hill* Order to the Guard.

The Evidence in Support of this Charge, are Major *Parker*, Lieutenant *Waterhouse*, and Adjutant *Dunbar*.

Major *Parker* deposes, that on his going up to Lieutenant *Hill*, to enquire the Reason of the Order he had given, *thinks* Lieutenant *Hill* said, He knew his Duty as well as he Had commanded more Men, and had been with, or over many, or more Prisoners : That more Discourse passed between them; which ended in his (Major *Parker's*) calling Lieutenant *Hill* a Blockhead.

Lieutenant *Waterhouse* deposes much to the same Effect with this Difference, that when Lieutenant *Hill* spoke, the Words before recited, he was not seemingly in a Passion and says that Major *Parker* call'd Lieutenant *Hill* a Scoundrel, a Blockhead, or a Rascal, he can't say which.

Mr. *Dunbar* says, he heard Lieutenant *Hill* speak the Words, deposed to by Major *Parker*; but in a Manner, as he thought, quite *unbecoming, from an inferior to a superior Officer* : He adds that Lieutenant *Hill* said, it was hard on a Man should run away with all the Honour, and the rest not be looked on : He says he then called Major *Parker* aside and told him this was destroying all military Subordination to have such Disputes between Officers, in the Face of the Men.

I must here endeavour to clear up a seeming Contradiction in this Evidence ; Mr. *Dunbar* takes no Notice of Major *Parker's* calling Lieutenant *Hill* Blockhead; but on the contrary says Nothing more passed : Now these Words, by Major *Parker's* Account, were subsequent to those proved by this Witness : And by *Hobbs's* Deposition it appears, that the Major went backwards and forwards, to and from Mr. *Hill* for about a Quarter of an Hour ; so that this Appellation of Blockhead might very possibly have been made use of, after the Time Mr. *Dunbar* took the Major aside ; as to what passed before, it not being to the Point, was very properly omitted by Mr. *Dunbar*.

Lieutenant

Lieutenant *Hill* has call'd two private Men, who both de-
 clare, that Major *Parker* call'd Lieutenant *Hill* a Scoundrel;
 the first, *Joseph Dawney*, has so prevaricated, and con-
 fessed himself in his Evidence, that I submit it to the
 Court whether it is of any Weight at all.

The second, *Thomas Hobbs* heard only these Words, I
 know what you are, you are a Scoundral, though he acknow-
 ledges he was within seven or eight Yards of Major *Parker*
 and Lieutenant *Hill* for some Time.

Next follows that Circumstance of Disrespect to Lieutenant
Colonel Beaumont, in endeavouring to impose on him by the
 Copy of a Letter. Time will not let me enter into the
 Evidence of this complex Affair, but must refer you to the
 Minutes, only taking Notice that this (*admitting the Testi-
 mony of a Party*) *Saling's* Declaration to Captain *Hodges* is
 exactly in Favour of Lieutenant *Hill*, yet I think it would
 not have been foreign to the Purpose, if Lieutenant *Hill* had
 assign'd some Reason for sending a Copy instead of the Ori-
 ginal, as well as for employing a Private Man to write that
 Copy.

The next Charge is still under the first Head, and is Dis-
 respect to Major *Parker*, on the March from *Tunbridge* to
Cranbrook; this Fact is related by the Major himself and En-
 sign *Burt*, Major *Parker* deposes as follows; That on the
 March from *Tunbridge* to *Cranbrook*, some of the Men strag-
 gling, he reprimanded them, on which Lieutenant *Hill* turn'd
 to him (and as he thinks) his Words were, you are always
 finding Fault with this Company; these Words were spoke
 in a Tone of Voice which made him take it for a Reproof.

Ensign *Burt* deposes to the same Words, but says they
 were spoke in a Huffing Tone, unbecoming an inferior to a
 superior Officer.

Lieutenant *Hill* does not deny this Accusation, but endea-
 vours to justify it by the Badness of the Road. He calls
 Sergeant *Lithgow* of the *Southwark* Company, who says,
 the Road was very Dirty, and that others, besides the *South-
 wark* Company, were straggling. That on Major *Parker's*
 ordering Lieutenant *Hill* to keep the Men in their Ranks,
 (Lieutenant *Hill*) in a very civil mild Way said, you find
 more Fault with this Company, than with the other Compa-
 nies on the March.

Benjamin Hawes of the *Southwark* Company deposes, that
 the Roads were very bad, sometimes Half-leg deep, at other

Times three Parts, but says, he heard nothing of what passed between the Officers.

I cannot help here observing, that this Defence appears to me a little uncommon, as I do not apprehend, that a Subaltern Officer is to be a Judge in Preference to a Major, whose Roads are, or are not fit for marching regularly.

I come now to the second Article of the Charge.

Aspersions of Major *Parker's* Character.

Lieutenant Colonel *Beaumont* declares, that on his expostulating with Lieutenant *Hill* on the 30th of *May*, concerning the Order he had given the Guard, saying he could have Reason to suspect the Officers of corresponding with the *French* Prisoners, he answered, he thought he had Reason for what he did; that Major *Parker* was constantly receiving and sending Letters to the *French* Prisoners, being to them they were only Petitions in regard to their Allowance, and not such Correspondence as mentioned by the Articles of War, he, Lieutenant *Hill* said, he did not know what was call'd Correspondence, that Major *Parker* often came to the Centinels on their Posts, and told them to be on their watch, that the Prisoners would escape such a Night, which they accordingly did. Lieutenant *Hill* does not in his Defence, attempt to disprove this Deposition, but says, to take the whole Conversation together, he takes it rather as a Compliment on the Major's Ingenuity and Industry, in discovering the Prisoners Designs; but if the Court consider the Introduction to this Discourse, his being then just put in Arrest, as well as having a little before been called Scoundrel (as he says) by the Major, I doubt whether they will judge it very likely, that he means it as a Compliment.

The next Evidence to this Point, is Mr. *Dunbar*, who deposes, he has twice heard Lieutenant *Hill* say "That he believed Major *Parker* was a Favourer of the *French* in his Heart, once at the *Bull* at *Cranbrook*, some Time in *June*, that this happened in the Presence of Captain *Townsend*, Lieutenant *Hough*, Ensign *Wakeford*, Quarter-Master *Young*, of the second, and Lieutenant *Waterhouse* of the first Battalion.

In Answer to this, Lieutenant *Hill*, in his Defence, has called Lieutenant *Waterhouse*, under whose Custody he then was (being in Arrest) he deposes, that Lieutenants *Lock* and *Hough*, Mr. *Dunbar*, and Quarter-Master *Young* were present, but is not certain, that he was present during the Time that

Company staid, and did not hear those Words, but in the Cross Examination, allows he was out of the Room for ten Minutes, during which Time, I beg leave to observe, it is very possible these Words might have been said.

In Justice to Mr. *Hill*, I must here mention, that he called on two Gentlemen of that Company, but they were unexpectedly absent, at the Time of his Trial.

Mr. *Hill* in his Defence lays great Stress on Mr. *Dunbar's* having made a Mistake in the Names of the Persons present at that Time, but this I apprehend will have no Weight with the Court, when they recollect that it is not material either Way, and that before Mr. *Hill* had delivered his Defence, Mr. *Dunbar* had petitioned them for Leave to correct this Mistake, which he had then recollected.

The second Time Mr. *Dunbar* deposes, was at Mr. *Hill's* Lodgings, but cannot tell the Time it was said. Lieutenant *Hill* in his Defence observes very properly, that this might be after the second Report delivered in to General *Campbell*. He has likewise called his Landlady and her Servant, who both say, that he always gave them Orders not to leave him alone with Mr. *Dunbar*, and they both depose they never did.

The third Article of the Charge has not been so fully proved, one very material Evidence having refused to come, on account of the Small-Pox. The Truth of this is very well known to the Court. Though what Familiarity has been proved with the Serjeant-Major, will not reap any Benefit from Lieutenant *Hill's* Remark, as he (the Serjeant-Major) was not chose by Lot into the Militia, but serves purely for pay, as in the regular Forces.

I submit it to the Court, whether Lieutenant *Hill's* Familiarity with *Jefferson*, during his Trial (if sufficiently established) does not come under this Head? For the Fact I must beg Leave to refer you to the Minutes.

The fourth and last Article of the Charge, endeavouring to excite Discontent, by insinuating that there was a large Sum of Money with-held from them.

Ensign *Burt* deposes he has heard Lieutenant *Hill* say there was a Sum of Money, belonging to the Men, in Sir *Nicholas* *Barrow's* Hands, and being asked in his Cross Examination, who was present, and on what Occasion Lieutenant *Hill* said this? he answer'd he could not recollect, but that he had heard him say it more than once; and being asked whether Mr. *Hill*

Hill said with-held ? answer'd, to the best of his Knowledge he did.

Serjeant *Wolcot* deposes, he heard Lieutenant *Hill* say *Darking*, in *April* last, that Sir *Nicholas Carew* had Men belonging to the Men in his Hands, but did not express Sum, nor for what Purpose.

Lieutenant *Hill* says in his Defence, " That admitting this to be true, it by no Means proves the Charge, which is that he rais'd Discontent among the Militia-Men, by telling them that their Officers with-held from them the Due, but no Evidence has been given that he ever said a Syllable about it to any of the common Men. The Charge does not require him to have said it positively, an Insinuation to that Effect is sufficient; neither is he accused of raising but of *endeavouring* to raise Discontent; how far the saying it to a Serjeant falls within the Charge, I shall not take upon me to decide, but leave it to the better Judgment of the Court.

There are one or two other Facts, which for want of Time I have here made no mention of, but which nevertheless will come under the Consideration of the Court.

Upon the Whole, if you think Lieutenant *Hill* guilty of the Charge, or any Part of it, you must pronounce him so, and Proportion your Judgment to the Degree of Offence; and if on the other Hand you think him totally innocent of the Charge, you will (I dare say gladly) acquit him with Honour.

This Court, upon due Consideration of the whole Matter before them, is of Opinion, that Lieutenant *William Hill* is guilty of the first Part of the Charge, namely, that he behaved himself Disrespectfully to his superior Officers.

It is the Opinion of this Court, that he is not guilty of the second Part of the Charge, which recites that he has aspersed the Character of Major *Parker*, of the said Militia, by insinuating that he was engaged in an improper Correspondence with the *French* Prisoners.

Unanimously it is the Opinion of this Court, that he is not guilty of the third Part of the Charge, of behaving unbecomingly an Officer and Gentlemen, by keeping Company and associating with Serjeants and private Men.

This Court is of Opinion, that he is not guilty of the last Part of the Charge, in endeavouring to excite Discontent among the Militia-Men, by insinuating to them that the

had a Title to a large Sum of Money, which was with-held from them by their Officers.

Therefore this Court doth adjudge, that Lieutenant William Hill do repeat the following Words at the Head of the first Battalion of the Surry Militia ;

I Lieutenant *William Hill*, having been adjudged guilty of Disrespect to my superior Officers, do here by ask Pardon of those superior Officers I have offended.

(A true Copy).

FR. GROSE,
Deputy Judge-Advocate.

CHARLES WHITWORTH,
President.

WARRANT

W A R R A N T
FOR HOLDING A
GENERAL COURT-MARTIAL

For the TRIAL of

Ensign *WILLIAM HILL*.

GEORGE R.

WHEREAS it hath been most humbly represented unto Us, that Ensign *William Hill*, of our first Battalion of the *Surry* Militia, commanded by Our Trusty and Well-beloved Sir *Nicholas Carew*, Baronet, hath behaved in a manner unbecoming an Officer and a Gentleman, by associating, drinking and lying with the private Men; which Representation we have thought fit should be enquired into by a General Court-Martial, OUR WILL AND PLEASURE THEREFORE IS, that you do appoint a General Court-Martial to be forthwith held upon this Occasion, which is to consist of a Field Officer whom you shall name to be President thereof, and of a sufficient Number of Commission Officers, belonging to any of our Corps of Militia, under your Command, who may be conveniently summoned to attend the same, agreeable to the several Acts of Parliament for regulating the Militia Forces, and to the Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Articles of War hereunto annexed. And We do hereby authorize and empower the said General Court-Martial to hear and examine all such Matters
and

and Informations as shall be brought before them,
touching the Representation against the said Ensign
William Hill, and proceed in the Trial, and in giv-
ing of Sentence according to the Rules of Military
Discipline ; and for so doing this shall be as well to
you as to the said General Court-Martial, and all
others concerned, a sufficient Warrant. Given at our
Court at *Kensington*, this 8th Day of *August*, 1760,
in the Thirty-fourth Year of our Reign.

BY HIS MAJESTY's COMMAND,

W. PITT.

To Our Trusty and Well-
beloved *John Campbell*,
Esq; Lieutenant General
of our Forces.

AT

AT a GENERAL COURT MARTIAL held at *Maidstone*, in the County of *Kent*, on *Saturday* the 27th of *September*, and continued by Adjournment, to *Monday* the 29th, 1760, by Virtue of his Majesty's Warrant, bearing Date the 8th Day of *August*, 1760 and by Order of Lieutenant General CAMPBELL.

Present,

Major CHARLES WHITWORTH, of the *West Kent* Militia
President.

Captain STILES, *West Kent*,
Captain EMILY, 1st Battalion, *Surry*,
Captain LEWIS, 2d Battalion, *Surry*,
Lieutenant MORLOND, *West Kent*,
Lieutenant TWISDEN, *West Kent*,
Lieutenant NASH, 1st Battalion, *Surry*,
Ensign GROOMBRIDGE, *West Kent*,
Captain SPENCER, 2d Battalion, *Surry*,
Captain CHAMPNESS, *West Kent*,
Captain TOWNSEND, 2d Battalion, *Surry*,
Lieutenant STREET, 2d Battalion, *Surry*,
Lieutenant DALLISON, *West Kent*,
Lieutenant MERCER, *West Kent*.

Lieutenant FR. GROSE, of the 2d Battalion of the *Surry*
Militia, Deputy Judge-Advocate.

The Court, and the Judge-Advocate, being duly sworn, Ensign *William Hill*, of the first Battalion of the *Surry* Militia, Commanded by Sir *Nicholas Carew*, Baronet, come Prisoner before the Court, and the following Charge was exhibited against him; viz.

That he, the said Ensign *Hill*, had behaved in a Manner unbecoming an Officer, and a Gentleman, by associating, drinking, and lying with the private Men.

The following Witnesses were examined in Support of the Charge.

PHILIP CANVIN of the *Southwark* Company, being sworn, deposed as follows;

Q. Did you ever drink with Ensign *Hill*?

A. Yes; once on the 24th of *July*, at *Cranbrook*.

Q. More than once?

A. Twice, and that is the whole.

Q. Did he drink with you familiarly, and as a Companion?

A. Yes; he did.

Q. Do you know, of your own Knowledge, of his drinking, or keeping Company with any other private Men?

A. I do not.

Q. Has he ever lain with you?

A. Only once, on the 24th of *July*, as near as I can remember.

Cross Examination.

Q. *Prisoner*. How long did I stay in the Room with you; and were your Hats on or off?

A. You staid as long as the Company, and to the best of my Recollection the Men had their Hats on.

Q. *President*. What was the Reason of your lying together?

A. Ensign *Hill* offered me: there were three of us drinking together; Mr. *Hill* came into our Company, and asked us whether we would have another Bowl; but I observing I had a great Way home, Mr. *Hill* said I might lye along with him.

Q. *President*. Was it in Mr. *Hill*'s Quarters?

A. I believe it was.

Q. *President*. When was this?

A. On the 24th of *July*, as near as I can recollect.

Q. *President*. What other Men were in Company?

A. *David Hughes* and *Chappel*, both of the *Southwark* Company.

Q. *Lieutenant Dallison*, How many Hours were you drinking?

A. I don't know.

Q. Did you lye with him more than once?

A. No.

Q. *Prisoner*. Were there more People in the Room?

A. A great many.

Q. Were not Corporal *Bat* and Serjeant *Mackow* in?

A. There was a Serjeant there.

Q. *Lieutenant Nash*. What Money did Ensign *Hill* pay; and what did you pay?

A. We

A. We paid Six-pence a-piece, and Ensign *Hill* was to pay a Shilling, but did not,

DAVID HUGHES of the *Southwark* Company, being sworn, was examined as follows;

Q. Was you ever in Company with Ensign *Hill*?

A. Yes.

Q. When?

A. The Month before this, that we were on Duty at *Sif-finghurst*.

Q. Did you drink together?

A. Yes; we did.

Q. Did you pay Part of the Reckoning?

A. Yes; Six-pence, *Canvin* the other, and the last Bowl we had *Canvin* paid a Shilling.

Q. What Part did, or was Ensign *Hill* to pay of the last Bowl?

A. Mr. *Hill* was to pay a Shilling.

Q. Did you at that Time look upon Mr. *Hill* as your Companion?

A. Mr. *Hill* drank with us, but I did not look upon him to be our Companion.

Q. *President*. Did Mr. *Hill* ever drink with you before, or since that Night?

A. Never.

Q. *Captain Lewis*. Why did you not look on Ensign *Hill* as your Companion, as he was drinking with you?

A. Because he was an Officer, I a private Man.

Q. *Captain Lewis*. Was that your only Reason for not thinking him your Companion?

A. Yes.

Q. *Lieutenant Morland*. Was your Conversation in a familiar Way together?

A. No; I can't say I spoke three Words to Ensign *Hill*, all that Night.

Q. Did the other Soldiers converse familiarly with him?

A. I cannot say.

Q. *Prisoner*. Were your Hats on or off?

A. To the best of my Memory they were on.

THOMAS CAPPEL, of the *Southwark* Company, being sworn, deposed as follows;

Q. Did you ever drink with Ensign *Hill*?

A. I have.

Q. More than once ?

A. Only twice.

Q. When was it ?

A. The first Time was after playing at Cricket in the Ball Field, in *Cranbrook*, some Time in *July*; the second Time, when we had the Punch, was in the same Month, we mounted Guard at *Sissinghurst*.

Q. On the second Time you mention, how long were you together ?

A. About two Hours.

Q. During this Time, did Ensign *Hill* converse familiarly with the Men, as their Companion ?

A. I can't say he did ; he did not with me.

Q. Did you pay Part of the Reckoning ?

A. I paid Six-pence, and gather'd Six-pence from *Hughes*, *Carvil* and *Mitchell*.

Q. *Prisoner*. Had they their Hats on ?

A. I cannot say.

Q. *Captain Stiles*. Did Ensign *Hill* pay Part of the Reckoning ?

A. He paid Six-pence.

Q. *Captain Lewis*. Did Ensign *Hill* set two Hours drinking with you, without conversing ?

A. I suppose he spoke to me, and the rest of the Company, but I cannot remember what he said.

Q. *Captain Stiles*. Did you look upon him as your Companion ?

A. I looked upon him as an Officer.

Q. *Captain Stiles*. Why did you look upon him as an Officer, and not your Companion ?

A. Because I had obeyed him as an Officer.

Q. *Captain Lewis*. Had you any other Reason not to suppose him your Companion, except his being your Officer ?

A. I can't say I had.

Q. *Lieutenant Morland*. Did you desire Ensign *Hill* to drink with you ?

A. No.

Q. Did he come of his own Accord ?

A. He came into the Room accidentally, being going to Bed, and said he would be Six-pence with us.

Q. *Prisoner*. Can't you remember what the Conversation was about ?

A. I cannot.

Q. *Prisoner*.

Q. Prisoner. Can you remember whether it was about Cricketing?

A. I cannot tell.

The Evidence in support of the Charge being rested here the President acquainted Ensign *Hill*, he would be indulged in any reasonable Time, to prepare his Defence; he desired till *Monday*; which Request the Court thought fit to comply with, and adjourned till *Monday Morning Nine o'Clock*.

The COURT being met according to Adjournment.

Ensign *Hill*, in his Defence, called the following Witnesses.

CORPORAL BAT of the *Southwark* Company being sworn, deposed as follows:

Q. Ensign Hill. DID I come into your Room the 24th of *July*, to go to Bed, or to Drink with you?

A. Mr. *Hill* came through the Room to go to Bed.

Q. Was not the Occasion of my staying in the Room, to get you to pull off my Boots, as the Waiters and Hostlers were gone to Bed?

A. Ensign *Hill* staid in the Room, and I pull'd his Boots off for him.

Q. Did you apprehend me at that Time your Companion?

A. No; I did not.

Q. Did you shew any Marks of Respect to me, as being an Officer?

A. Yes; I pull'd off my Hat to you, when you came into the Room.

Q. Judge Advocate. Did Mr. *Hill* drink with you before you pull'd off his Boots?

A. No.

Q. Did he afterwards?

A. Yes.

Q. How long did he stay drinking, after you had pull'd off his Boots?

A. I staid about a Quarter of an Hour, and left him there.

Q. Did you pay any Part of the Reckoning?

A. No.

Q. You

Q. You say, you pull'd off your Hat to Ensign *Hill* when he came into the Room, would you not have paid the same Compliment to a Companion ?

A. No.

Q. *Captain Lewis*. Why did you not apprehend Mr. *Hill* your Companion, when he was drinking with you ?

A. Because I don't set him upon the same Footing as I am, that is the Reason I don't call him a Companion.

Q. *Captain Lewis*. Do you apprehend any Commissioned Officer can make himself a Companion with private Men ?

A. No.

THOMAS MITCHELL, Pioneer, in the *Southwark* Company, being sworn, deposed as follows.

Q. *Ensign Hill*. When I came into the Room the 24th of July at *Cranbrook*, did you pay the same Respect to me, whilst I was in the Room, as you would to any other Officer ?

A. Yes.

Q. Do you know the Occasion of my coming into your Room ?

A. I can't say.

Q. Did you hear *Canvin* ask me to let him lye with me, on Account of the Distance of his Quarters, and being uneasy to go Home ?

A. I can't say I heard him say the Words, but think it was so.

Q. *Judge Advocate*. Was the Way through the Room where you sat, the only Way Ensign *Hill* had to go to his Bed ?

A. I can't say.

Q. Did Ensign *Hill* drink with you ?

A. Yes.

Q. How long was it from the Time of Ensign *Hill*'s coming into the Room, to the Time of his going to Bed ?

A. Half, or Three Quarters of an Hour, but I can't say positively.

Q. What Quantity of Liquor did you drink during that Time ?

A. I can't say ; but we spent about Two Pence or Three Pence a-piece.

Q. How many Militia Men were there in the Room ?

A. About four, besides myself.

Q. *Lieutenant Morland*. Was you drinking with Ensign *Hill* ?

A. Yes ; he drank once or twice with us.

Q. *Lieute-*

Q. *Lieutenant Morland.* Was there any Conversation between Ensign *Hill* and you?

A. None at all.

Q. Was there any Conversation between Ensign *Hill* and any other Men?

A. I can't say.

Q. *President.* Has Ensign *Hill* ever drank with you before or since that Time?

A. Never, to my Knowledge.

Q. Had the other Men their Hats on or off whilst Ensign *Hill* was in the Room?

A. I can't recollect.

Q. *Lieutenant Nash.* What Part of the Reckoning did Ensign *Hill* pay?

A. According to the best of my Remembrance, he threw down Six Pence.

Q. *Lieutenant Dallison.* What Hour of the Day or Night did Ensign *Hill* come into your Company?

A. Between Seven or Eight o'Clock in the Evening.

Q. What sort of Liquor did you drink together?

A. Strong Beer, and a Half-Crown Bowl of Punch.

Q. At what Time did you part Company from Ensign *Hill*?

A. About Eight or Nine o'Clock.

Q. *Prisoner.* Did you pull off your Hats when I came into the Room?

A. I am not positive, but believe we did.

CORPORAL BAT was again examined.

Q. *Prisoner.* What Room was this, the Men were drinking in?

A. The second Room on the Left Hand as you go in.

LIEUTENANT WATERHOUSE, of the first Battalion, being sworn, was examined.

Q. Was there any other Way to my Bed Room, but through that Room they were sitting in, that is the second Room on the Left Hand, as you go in?

A. No other.

Ensign *Hill* then read his Defence.

Mr. President and Gentlemen of the Court Martial.

I AM charged with drinking, lying, and associating with the common Soldiers, and to support the Charge, the Prosecutor has examined three Witnesses, two of whom swear, that they drank with me two several Times, one at Crickington, and another Time at my Quarters, and the other confirms their Testimony, as to my drinking with them at my Quarters, and which has been admitted by me to be true; and one of them likewise proves his lying with me, which I have likewise admitted to be true.

Now, in Mitigation of my Offence, I have only to observe, that though the Witnesses was particularly Interrogated, as to what passed at those Times I was with them, and in what manner I behaved myself, nothing, I hope, has appeared (save drinking and lying with one of them) to induce this Court to conclude, that I have behaved myself in an infamous scandalous Manner; on the contrary, though I condescended to drink with them, yet it has appeared, by the Evidence of the King's Witnesses, that the Men continued to preserve that Respect, which is due to an Officer, and looked upon, and behaved to me as such, during the whole Time of my being with them. As to the other Circumstance, of my admitting a Soldier upon his Request, and being a great Way from his Quarters, to take Part of my Bed with me for one Night, I never, till I received a Copy of my Charge, apprehended that such an Act would be imputed to me as a Fault, and a Fault of so high a Nature, as to be deemed worthy the Notice, and Censure, of a Court Martial.

If, therefore, I have done amiss, I hope my Youth, and Inexperience in the Martial Law, will in some measure plead my Excuse, with this Court; and if they should be so indulgent to me, as not to permit that Article of War, on which my Charge was founded, to have its full Force and Effect against me. I do assure the Court, it shall be my constant Care and Study, for the Time to come, to convince every Member of this Court, that I was not undeserving of their Favour and Indulgence now shown unto me. As I have admitted the Facts, with which I am charged to be true, I will not Trouble, or Detain the Court longer.

The Court upon due Consideration, of the whole Matter before them, *is of Opinion*, That Ensign *William Hill* is guilty of the Charge; namely, that he hath behaved in a Manner, unbecoming an Officer and a Gentleman, by associating, drinking, and lying with the private Men.

Therefore the Court doth adjudge, That Ensign *William Hill* do repeat the following Words, at the Head of the first Battalion of the *Surry Militia*;

W Hereas I Ensign *William Hill*, have been found guilty, by a General Court Martial, of behaving in a Manner unbecoming an Officer and a Gentleman; I do hereby sincerely beg Pardon of the whole Corps, for the Dishonour this my Behaviour may have reflected on them; and I do faithfully promise, it shall be my future Study to endeavour to wipe out this Stain, both on them and myself.

(A true Copy)

FR. GROSE,
Deputy Judge-Advocate.

CHARLES WHITWORTH,
President.

F I N I S.